

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**FIRST REGULAR SESSION**  
December 1, 1982 to June 24, 1983  
Chapters 453-End

AND AT THE

**FIRST SPECIAL SESSION**  
September 6, 1983 to September 7, 1983  
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH  
IN ACCORDANCE WITH MAINE REVISED STATUTES  
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1983

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

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in a job for which the wages and working conditions are substantially less favorable than those prevailing for similar work in the locality.

F. Each grant diversion program participant shall receive the same wages and benefits and shall be subject to the same working conditions as employees with the same seniority performing a substantially equivalent job in the same organizational unit.

G. This subsection is repealed on June 30, 1985.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 17, 1983.

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## CHAPTER 467

H.P. 1302 - L.D. 1726

AN ACT to Amend the Authority of the  
Department of Environmental Protection  
to Identify Hazardous Waste.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §1303-A, sub-§1, as repealed and replaced by PL 1981, c. 430, §6, is repealed and the following enacted in its place:

1. Identification of hazardous waste. The board may adopt and amend rules identifying hazardous waste. It is the intent of the Legislature that the board shall identify as hazardous waste those substances which are so identified by the United States Environmental Protection Agency in proposed or final regulations. The Legislature also intends that the board may identify as hazardous waste, in accordance with paragraph B, other substances in addition to those identified by the United States Environmental Protection Agency. Further, the Legislature intends that a substance which has been identified as a hazardous waste by the board shall be removed from identification only by further rulemaking by the board.

Hazardous waste may be identified as follows.

A. The board may identify any substance as a hazardous waste if that substance is identified

as hazardous by particular substance, by characteristic, by chemical class or as a waste product of a specific industrial activity in proposed or final rules of the United States Environmental Protection Agency.

B. The board may identify any substance as a hazardous waste if the board, after evaluation based on existing data or data reasonably extrapolated from previously conducted studies using similar classes of substances or compounds under similar circumstances, has determined that the substance is an acute or chronic toxin causing significant potential adverse public health or environmental effects. An acute or chronic toxin may include the characteristics of:

- (1) Carcinogenicity;
- (2) Mutagenicity;
- (3) Teratogenicity; or
- (4) Infectiousness.

Rules adopted under this paragraph shall be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources for review. These rules shall remain in effect until 90 days after adjournment of the next regular session of the Legislature unless adopted by legislative enactment.

C. Whenever the board proposes to adopt or amend rules identifying hazardous waste or removing hazardous waste from identification, it shall hold a public hearing.

Sec. 2. 38 MRSA §1319-I, sub-§9, as enacted by PL 1981, c. 478, §7, is amended to read:

9. Hazardous waste subject to fees. No hazardous waste may be subject to the fees established in this section unless the waste is identified under section 1303-A, subsection 1, provided that waste identified under section 1303-A, subsection 1, paragraph B, shall not be subject to the fees until approved according to section 1303-A, subsection 1, paragraph C 90 days after the next regular session of the Legislature.

Effective September 23, 1983.

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