

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
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Chapters 583-588

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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

CHAPTER 566

H.P. 1105 - L.D. 1458

AN ACT to Amend the Department of Environmental Protection Statutes.

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

Sec. 1. 5 MRSA §711, sub-§2, ¶A, as amended by PL 1981, c. 708, §§1-3, is further amended to read:

A. The following positions in the following departments are major policy-influencing positions. These positions and their successor positions shall be subject to this subsection, notwithstanding any other provision of law:

(1) Department of the Attorney General:

- (a) Deputy Attorneys General; and
- (b) Assistant Attorneys General.

(1-A) Department of Agriculture, Food and Rural Resources:

- (a) Deputy Commissioners;
- (b) Associate Commissioner for Policy Development;
- (c) Director, Bureau of Agricultural Productions;
- (d) Director, Bureau of Agricultural Marketing;
- (e) Director, Bureau of Agricultural and Rural Resources; and
- (f) Director, Bureau of Public Services.

(2) Department of Business Regulation:

- (a) Superintendent, Bureau of Banking;
- (b) Superintendent, Bureau of Consumer Credit Protection; and
- (c) Superintendent, Bureau of Insurance.

- (3) Department of Conservation:
- (a) Director, Administrative Services;
 - (b) Director, Planning and Program Services;
 - (c) Director, Bureau of Forestry;
 - (d) Director, Maine Geological Survey;
 - (e) Executive Director, Maine Land Use Regulation Commission;
 - (f) Director, Bureau of Parks and Recreation;
 - (g) Director, Bureau of Public Lands; and
 - (h) Forest Insect Manager, Bureau of Forestry.

(4) Department of Educational and Cultural Services:

- (a) Assistant to the Commissioner;
- (b) Deputy Commissioner;
- (c) Associate Commissioner, Bureau of School Management;
- (d) Associate Commissioner, Bureau of Instruction; and
- (e) Associate Commissioner, Bureau of Vocational Education.

(4-A) Department of Environmental Protection:

- (a) Deputy Commissioner.

(5) Department of Finance and Administration:

- (a) State Controller;
- (b) State Purchasing Agent;
- (c) State Tax Assessor;
- (d) Director, Bureau of Public Improvements;
- (e) Director, Bureau of Alcoholic Bev-

- erages; and
- (f) State Budget Officer.
- (6) Department of Human Services:
 - (a) Deputy Commissioners;
 - (b) Director, Bureau of Maine's Elderly;
 - (c) Director, Bureau of Resource Development;
 - (d) Director, Bureau of Health;
 - (e) Director, Bureau of Rehabilitation;
 - (f) Director, Bureau of Income Maintenance;
 - (g) Director, State Health Planning and Development Agency; and
 - (h) Director, Bureau of Medical Services.
- (7) Maine Human Rights Commission:
 - (a) Executive Director; and
 - (b) Chief Compliance Officer.
- (8) Department of Indian Affairs:
 - (a) Deputy Commissioner.
- (9) Department of Inland Fisheries and Wildlife:
 - (a) Deputy Commissioner.
- (10) Maine State Lottery Commission:
 - (a) Deputy Director.
- (11) Department of Labor:
 - (a) Director, Manpower Training Division;
 - (b) Director, Bureau of Labor; and
 - (c) Executive Director, Maine Labor Relations Board.

- (12) Department of Marine Resources:
- (a) Deputy Commissioner.
- (13) Department of Mental Health and Corrections:
- (a) Associate Commissioner;
 - (b) Director, Bureau of Mental Health;
 - (c) Superintendent, Augusta Mental Health Institute;
 - (d) Superintendent, Bangor Mental Health Institute;
 - (e) Director, Bureau of Mental Retardation;
 - (f) Superintendent, Pineland Center; and
 - (g) Director, Bureau of Corrections.
- (14) Department of Defense and Veterans Services:
- (a) Deputy Adjutant General;
 - (b) Director, Bureau of Civil Emergency Preparedness; and
 - (c) Director, Bureau of Veterans Services.
- (15) Department of Public Safety:
- (a) Chief, Bureau of State Police;
 - (b) Director, Bureau of Liquor Enforcement;
 - (c) Director, Office of State Fire Marshal; and
 - (d) Director, Maine Criminal Justice Academy.
- (16) Department of Secretary of State:
- (a) Deputy Secretaries of State; and
 - (b) State Archivist.
- (17) Department of Transportation:
- (a) Deputy Commissioners; and

(b) Chief Counsel, Bureau of Legal Services.

Sec. 2. 38 MRSA §342, sub-§5, as repealed and replaced by PL 1977, c. 596, §1, is repealed and the following enacted in its place:

5. Designation of deputy commissioner. The commissioner may employ a deputy commissioner and prescribe the duties of the deputy as he deems necessary to fulfill the responsibilities of the department.

Sec. 3. 38 MRSA §343, as amended by PL 1977, c. 694, §§751 and 752, is repealed.

Sec. 4. 38 MRSA §343-A is enacted to read:

§343-A. Rules

1. Rules. The Board of Environmental Protection may adopt, amend and repeal reasonable rules and emergency rules necessary for the proper administration, enforcement, implementation and interpretation of any provision of law that the department is charged with the duty of administering. Rules duly promulgated shall have the full force and effect of law.

2. Maine Administrative Procedure Act. The provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, shall apply to the adoption, amendment or repeal of rules and emergency rules by the Board of Environmental Protection.

Sec. 5. 38 MRSA §345, as amended by PL 1981, c. 524, §16, is repealed.

Sec. 6. 38 MRSA §345-A is enacted to read:

§345-A. Hearings

1. Hearings. Except as provided in the Maine Administrative Procedure Act, Title 5, section 8052, subsection 2, whenever the board or the Department of Environmental Protection is required or empowered to conduct a hearing pursuant to any provision of law, the hearing may be held and conducted by any member of the board or any employee or representative of the Department of Environmental Protection so authorized by the board.

2. Maine Administrative Procedure Act. Except as provided in section 347, subsection 2, all hearings of the Board of Environmental Protection shall be conducted in accordance with the procedural requirements of the Maine Administrative Procedure Act, Title 5, chapter 375.

3. Fees. The Commissioner of Environmental Protection may establish fees which recover the expenses entailed in providing notice to interested persons required by this section or reproducing all or any part of the record of any hearings for the applicant or interested persons.

Sec. 7. 38 MRSA §347, sub-§1, as enacted by PL 1977, c. 300, §9, is amended to read:

1. General procedures. Whenever it appears to the Board of Environmental Protection, after investigation, that there is a violation of any provisions of the laws or regulations which it administers, or of the terms or conditions of any of its orders, which does not create a substantial or immediate danger to public health or safety, the board may notify the Attorney General or schedule a hearing thereon. If a hearing is scheduled, the commissioner shall give at least 30 days' written notice to the alleged violator of the date, time and place of such that hearing. The notice shall specify the act done or omitted to be done which is claimed to be in violation of law.

Any hearing conducted under the authority of this section shall be in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

At such the hearing, the alleged violator may appear in person or by attorney and answer the allegations of violation and file a statement of the facts, including the methods, practices and procedures, if any, adopted or used by him to comply with this chapter and present such evidence as may be pertinent and relevant to the alleged violation.

After hearing, or in the event of a failure of the alleged violator to appear on the date set for a hearing, the board shall, as soon thereafter as practicable, make findings of fact based on the record and, if it finds that a violation exists, it shall issue an order aimed at ending the violation.

Sec. 8. 38 MRSA §347, sub-§4, as enacted by PL 1977, c. 300, §9, is repealed.

Sec. 9. 38 MRSA §349, sub-§4, as amended by PL 1979, c. 663, §226, is further amended to read:

4. Violations. Any person who violates any of the following provisions shall be guilty of a Class E crime for each day of such that violation:

- A. Section 419; (high phosphorous detergent);

- B. Section 391 or regulations under section 394 (Great Ponds);
- C. Section 423; (Discharge from watercraft);
- D. Section 471; (Alteration of wetlands and sand dunes);
- E. Section 1306; (~~Solid waste~~ Waste facility);
- G. Title 12, section 4757; (Regulations for state-held wetlands);
- H. Title 12, chapter 421 and orders thereunder; (Wetlands zoning); and
- I. Title 12, chapter 423-A and regulations thereunder (Minimum lot size); and
- J. ~~Sections 1320 and 1321, (Septic materials disposal);~~

Sec. 10. 38 MRSA §361, 3rd ¶, as amended by PL 1971, c. 618, §9, is further amended to read:

Meetings of the board shall be held at such time and place as shall be determined by the board but not less than 2 meetings per year shall be held. The board shall in October of each year may elect a secretary who shall serve until a successor is elected, and who need not be chosen from among the members of the board. Six members of the board shall constitute a quorum, except for the purpose of conducting any hearing.

Sec. 11. 38 MRSA §387, sub-§2, as enacted by PL 1977, c. 123, §2, is amended to read:

2. Public hearing. The board shall classify great ponds, after opportunity for a public hearings hearing, in accordance with the criteria it develops.

Sec. 12. 38 MRSA §390-A, sub-§1, as enacted by PL 1981, c. 509, §1, is amended to read:

1. Fund purposes and administration. There is established a nonlapsing Lake Restoration and Protection Fund, from which the Board of Environmental Protection is ~~authorized to~~ may pay up to 25% an amount equal to the local share from state appropriations of the eligible costs incurred in a lake restoration or protection project ~~which has received federal approval and at least 50% federal funding.~~ Eligible costs include all costs except those related to land acquisition, legal fees and debt service. ~~All income received by the State from the United States Environmental Protection Agency for lake restoration or pre-~~

tection projects under United States Code, Title 33, section 1324, shall be deposited with the Treasurer of State to be credited to the Lake Restoration and Protection Fund. All moneys credited to that fund shall be used by the Board of Environmental Protection for projects to improve or maintain the quality of lake waters in the State, and for no other purpose.

The Commissioner of Environmental Protection may, at the direction of the board, authorize the State Controller to draw his warrant for such funds as may be necessary to pay the lawful expenses of the lake restoration or protection project, up to the limits of the state and federal ~~portions~~ moneys duly authorized. Any balance remaining in the fund shall continue without lapse from year to year and remain available for the purposes for which the fund is established and no other purpose.

Sec. 13. 38 MRSA §392, sub-§1, as enacted by PL 1977, c. 123, §2, is amended to read:

1. Great pond. "Great pond" shall include any inland body of water which in its natural state has a surface area in excess of 10 acres, and any body of water artificially formed or increased which has a surface area in excess of 30 acres, the shore of which is owned by 2 or more persons, firms or other legal entities.

Sec. 14. 38 MRSA §394, first ¶, as enacted by PL 1979, c. 663, §227, is amended to read:

The Board of Environmental Protection shall promulgate ~~regulations~~ rules designed to reduce procedural requirements and establish specific standards for those alterations, the proper execution of which are deemed to have no significant impact upon the great ponds and which are not inconsistent with the purposes of this chapter. ~~Such~~ The alterations shall include, but not be limited to: The placement of water lines to serve a single family house; the movement of rocks or vegetation by hand over a shorefront length not to exceed 10 feet; the placement of sand above the high water line, when properly stabilized; the construction of rock riprap erosion control devices above the high water line; the installation of anchoring devices for mooring small boats or holding floating structures; and the installation of cables for utilities such as telephone and power. ~~The board shall promulgate such regulations within 90 days of October 24, 1977 and may thereafter amend them as it deems necessary.~~

Sec. 15. 38 MRSA §411, first ¶, as amended by PL 1981, c. 398, §1, is further amended to read:

The department is authorized to may pay an amount at least 15%, but not to exceed ~~25%~~ 45%, of the expense of a municipal or quasi-municipal pollution abatement construction program. The department may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program in which the construction cost of the project does not exceed \$100,000 so long as total expenditures for such the small projects do not exceed \$1,000,000 ~~for each of the in any fiscal years year~~ 1981-82 and 1982-83, and not more than one grant is made to any applicant each year. State grant-in-aid participation under this section shall be limited to grants for waste treatment facilities, interceptor systems and outfalls. The word "expense" shall not include costs relating to land acquisition or debt service, unless allowed under federal statutes and regulations.

Sec. 16. 38 MRSa §413, sub-§2, as amended by PL 1979, c. 380, §2, is repealed and the following enacted in its place:

2. Exemptions. No person may be deemed in violation of this section for the discharge of rock, sand, dirt or other pollutants resulting from erosion related to agricultural activities, subject to the following conditions.

A. The appropriate soil and water conservation district has recommended an erosion and sedimentation control plan or conservation plan for the land where this erosion originates.

B. The board has certified that the plan meets the objectives of this chapter.

C. The department determines that the agricultural activities are in compliance with the applicable portion of the plan, or the soil and water district has certified that funds from existing federal and state programs are not available to implement the applicable portion of the plan.

Sec. 17. 38 MRSa §413, sub-§2-C is enacted to read:

2-C. Dredge spoils. Holders of a permit obtained pursuant to the United States Clean Water Act, Public Law 92-500, Section 404, are exempt from the need to obtain a waste discharge license for disposal of dredged material into waters of the State when the dredged material is disposed of in an approved United States Army Corps of Engineers disposal site.

Sec. 18. 38 MRSA §414, sub-§2, as repealed and replaced by PL 1979, c. 444, §4, is amended to read:

2. Terms of licenses. Licenses shall be issued by the board for a term of not more than 5 years, except that licenses for residential discharges may be issued for a term of not more than 10 years.

Sec. 19. 38 MRSA §414-A, sub-§2, as repealed and replaced by PL 1979, c. 444, §6, is repealed and the following enacted in its place.

2. Schedules of compliance. The board may establish schedules, within the terms and conditions of licenses, for compliance with best practicable treatment, as defined in subsection 1, paragraph D, which includes the application of best conventional pollutant control technology or best available technology economically achievable. Schedules shall be consistent with the times permitted for compliance with the United States Water Pollution Control Act, as amended, and may include such interim and final dates for attainment of specific standards as are necessary to carry out the purposes of this subchapter. The schedules shall be as short as possible and shall be based upon a consideration of the technological and economic impact of the steps necessary to attain these standards.

Sec. 20. 38 MRSA §418, sub-§1, as amended by PL 1973, c. 625, §272, is further amended to read:

1. Prohibitions. No person, firm, corporation or other legal entity ~~shall~~ may place logs or pulpwood into the inland waters of this State ~~after October 1, 1976~~ for the purpose of driving the same to pulp mills, lumber mills or any other destination, except to transport logs or pulpwood from islands to the mainland.

No person, firm, corporation or other legal entity shall may place logs or pulpwood on the ice of any inland waters of this State after October 1, 1976, except to transport logs or pulpwood from islands to the mainland.

No person, firm, corporation or other legal entity shall may place logs or pulpwood into the inland waters of this State after October 1, 1976 for the purpose of storage or curing the same, or for other purposes incidental to the processing of forest products, or to transport logs or pulpwood from islands to the mainland, without a permit from the board as described in subsection 2.

Sec. 21. 38 MRSA §418, sub-§2, as amended by PL 1977, c. 300, §§21 and 22, is further amended to

read:

2. Storage; permit. Whoever proposes to use the inland waters of this State ~~after October 1, 1976~~ for the storage or curing of logs or pulpwood, or for other purposes incidental to the processing of forest products, or to transport logs or pulpwood from islands to the mainland, shall apply to the board for a permit for ~~such~~ that use. Applications for ~~such~~ these permits shall be in such form and require such information as the board may determine.

Within 45 days of receipt of an application, the board shall either grant the application or hold a public hearing thereon as provided.

If the board is able to find, on the basis of the application, that the proposed use will not lower the existing quality or the classification, whichever is higher, of any waters, nor adversely affect the public rights of fishing and navigation therein, and that inability to conduct ~~such~~ that use will impose undue economic hardship on the applicant, it shall grant the permit for a period not to exceed 3 10 years, with such terms and conditions as, in its judgment, may be necessary to protect ~~such~~ the quality, standards and rights.

In the event the board deems it necessary to solicit further evidence regarding the proposed use, it shall schedule a public hearing on the application.

At ~~such~~ that hearing the board shall solicit and receive testimony concerning the nature and extent of the proposed use and its impact on existing water quality, water classification standards and the public rights of fishing and navigation and the economic implications upon the applicant of ~~such~~ the use. If, after hearing, the board determines that the proposed use will not lower the existing quality or the classification standards, whichever is higher, of any waters, nor adversely affect the public rights of fishing and navigation therein and that inability to conduct ~~such~~ the use will impose undue economic hardship on the applicant, it shall grant the permit for a period not to exceed 3 10 years, with such terms and conditions, as in its judgment, may be necessary to protect ~~such~~ the quality, standards and rights.

Sec. 22. 38 MRSA §419, sub-§2, as enacted by PL 1971, c. 544, §128, is amended to read:

2. Prohibition. No person ~~shall~~ may sell or use any high phosphorous detergent ~~after June 1, 1972.~~

Sec. 23. 38 MRSA §420, sub-§1, ¶A, as enacted by PL 1971, c. 618, §12, is amended to read:

A. Any person, firm, corporation or other legal entity who, on January 1, 1971, was discharging any of the substances mentioned in this subsection in connection with an industrial process shall not be deemed in violation of this subsection if on or before December 31, 1971, it ~~shall file~~ file filed with the board a statement indicating the amount of such the substance so discharged on said that date.

Sec. 24. 38 MRSA §451, 2nd ¶, as repealed and replaced by PL 1979, c. 127, §211, is amended to read:

The board may establish a mixing zone with respect to any discharge at the time application for license for such the discharge is made, and when so established shall be a condition of and form a part of the license issued. The board may, after opportunity for a hearing in accordance with section 345, establish by order a mixing zone with respect to any discharge for which a license has ~~heretofore~~ been issued pursuant to section 414, or for which an exemption has been granted by virtue of section 413, subsection 2. Prior to the commencement of any enforcement action to abate a classification violation, the board shall establish, in the manner provided in this paragraph, a mixing zone with respect to the discharge sought to be thereby affected.

Sec. 25. 38 MRSA §451, sub-§1, as repealed and replaced by PL 1979, c. 127, §211, is repealed.

Sec. 26. 38 MRSA §451-A, sub-§1, ¶A, as repealed and replaced by PL 1975, c. 209, is amended to read:

A. Federal funds for the construction of municipal waste water treatment facilities are not available for the project; ~~and~~

Sec. 27. 38 MRSA §451-A, sub-§4, as enacted by PL 1975, c. 209, is amended to read:

4. Pretreatment systems. Where a discharger otherwise exempted from constructing treatment facilities pursuant to this section will be required to pretreat effluents before discharge into the municipal system pursuant to any requirement of state or federal law, such the pretreatment system shall be installed ~~not later than October 1, 1976~~ upon commencement of the discharge.

Sec. 28. 38 MRSA §451-A, sub-§6, as amended by PL 1977, c. 564, §§138 and 139, is repealed.

Sec. 29. 38 MRSA §451-A, sub-§7, ¶A, as enacted by PL 1977, c. 185, is amended to read:

A. Has been used as his dwelling place year round prior to and since October 1, 1977;

Sec. 30. 38 MRSA §475, as amended by PL 1977, c. 300, §28, is further amended to read:

§475. Penalties

A violation is defined as any filling, dredging, draining, depositing, altering, erecting or removal of materials which takes place in coastal wetlands or coastal sand dunes contrary to the provisions of a valid permit or without a permit having been issued, and without regard to whether these physical acts were witnessed as they were being carried out or whether the action was willfully undertaken to avoid the intent of this subchapter or without knowledge of this subchapter undertaken. Any such filling, dredging, draining, depositing, altering or removal of materials shall be prima facie evidence that it was done or caused to be done by the owner of such the coastal wetlands or coastal sand dunes.

Sec. 31. 38 MRSA §560, sub-§3, as amended by PL 1977, c. 78, §204, is further amended to read:

3. Board to adopt rules. The Board of Environmental Protection shall, ~~within 90 days after October 1, 1975,~~ adopt regulations ~~rules~~ limiting or, to the extent the board determines necessary, prohibiting the anchorage in Maine coastal waters, estuaries or rivers under the jurisdiction of the State of Maine vessels designed or used to carry oil as cargo. All ~~regulations~~ rules adopted by the Board of Environmental Protection under this section shall not apply to vessels at anchorage prior to July 1, 1975.

Sec. 32. 38 MRSA §583-B, sub-§4, as enacted by PL 1979, c. 381, §6, is amended to read:

4. Nonattainment areas. The department shall have the authority to designate certain regions or portions thereof as nonattainment ~~area~~ areas after opportunity for a public hearing and determination that any ambient air quality standard is being exceeded;

Sec. 33. 38 MRSA §583-B, sub-§5, ~~1B~~, as enacted by PL 1979, c. 38, §6, is amended to read:

B. Other areas may be redesignated as follows:

(1) The board may recommend to the Legislature the redesignation of any air quality region in whole or in part, to Class I, II or III. Prior to this recommendation, an opportunity for a public hearing shall be

conducted in each area proposed to be redesignated offered in areas which may be affected by the proposed redesignation. Prior to the public hearing notice of the hearing opportunity, a report shall be made available with a description and an analysis of health, environmental, economic, social and energy impacts with the proposed redesignation. Should the area proposed for redesignation include or be deemed to affect federally owned lands, the board shall consult with the appropriate federal land manager prior to the redesignation. All proposed redesignations shall be submitted to the Legislature for enactment.

Sec. 34. 38 MRS §584, 2nd ¶, as amended by PL 1975, c. 282, §2, is further amended to read:

Prior to the establishment or amendment of ambient air quality standards, the board shall ~~conduct~~ offer an opportunity for a public hearing in some municipality within the region, and shall give public notice of its intent to establish standards for the region in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 35. 38 MRS §584, 3rd ¶, as amended by PL 1971, c. 618, §12, is further amended to read:

At such hearing ~~the~~ The board shall solicit and consider testimony all available information concerning the existing quality of the ambient air within the region; the recreational, industrial and residential uses of land within the region; the effects of existing air contaminants and air pollution upon such the uses; the availability and effectiveness of air pollution control apparatus designed to control and reduce such the existing air contaminants and air pollution; the expense of purchasing and installing the same, and such other evidence as in the board's judgment will enable it to determine and establish the standards of air quality necessary to prevent air pollution within the region.

Sec. 36. 38 MRS §584, 4th ¶, as amended by PL 1971, c. 618, §12, is further amended to read:

After hearing the ~~The~~ board shall by order establish or may amend reasonable ambient air quality standards for the region, regulating and limiting the amount and type of air contaminants which may exist in the ambient air of such that region, which standards shall be designed to achieve the purposes set forth in the first paragraph of this section. The order shall state the date upon which such the standards, or any of them, become effective, and such

regions and standards shall thereafter be in effect until 90 days after the date of adjournment of the next regular or special session of the Legislature unless such the next regular or special session shall adopt by legislative enactment such the air quality regions and standards.

Sec. 37. 38 MRSA §585, 2nd ¶, as amended by PL 1977, c. 300, §40, is further amended to read:

Prior to the establishment or amendment of emission standards, the board shall ~~conduct~~ offer an opportunity for a public hearing in some municipality within the region in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. ~~At such hearing the~~ The board shall solicit and consider testimony all available information concerning the ambient air quality standards of the region; the existing emissions of air contaminants within the region, their nature, amount and sources; the effect of such the emissions upon the ambient air quality standards of the region; the availability, effectiveness and cost of air pollution control apparatus designed to prevent and control air pollution caused by such emissions, and such other evidence as in the board's judgment will enable it to determine and establish emission standards for the region which will achieve and maintain the ambient air quality standards therein.

Sec. 38. 38 MRSA §585, 3rd ¶, as amended by PL 1971, c. 618, §12, is further amended to read:

~~After hearing the~~ The board shall by order establish or may amend emission standards limiting and regulating the amount and type of air contaminants which may be emitted to the ambient air of a region so as to achieve the goals set forth in the first paragraph of this section. The order shall state the date upon which such the standards or any of them, become effective. In establishing such the date, the board shall consider the same factors required by it to be considered in establishing the effective date of ambient air quality standards.

Sec. 39. 38 MRSA §585-A, 2nd ¶, as amended by PL 1977, c. 300, §41, is further amended to read:

Prior to the establishment or amendment of such the standards and ~~regulations~~ rules the board shall ~~conduct~~ offer an opportunity for a public hearing thereon in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. ~~At such hearing the~~ The board shall solicit and receive testimony consider all available information concerning applicable ambient air quality and emission standards; the availability, effectiveness and cost of any air pol-

lution control apparatus designed to prevent or control air pollution or violations of ambient air quality or emission standards which would be required by any proposed standards or ~~regulations~~ rules; and such other evidence as in the board's judgment will enable it to determine and establish standards and ~~regulations~~ rules adequate to maintain applicable ambient air quality and emission standards.

Sec. 40. 38 MRSA §585-A, 3rd ¶, as amended by PL 1971, c. 618, §12, is further amended to read:

~~After hearing the~~ The board shall by order establish or amend reasonable standards and ~~regulations~~ rules which shall be designed to achieve the purposes set forth in ~~the first paragraph of~~ this section. The order shall state the date upon which ~~such the~~ standards and ~~regulations~~ rules or any of them, become effective, and ~~such the~~ standards shall thereafter be in effect until 90 days after the date of adjournment of the next regular or special session of the Legislature unless ~~such the~~ next regular or special session shall adopt by legislative enactment ~~such the~~ standards.

Sec. 41. 38 MRSA §587, sub-§3, as enacted by PL 1979, c. 381, §10, is amended to read:

3. Violation. ~~Such~~ The variance will not cause or contribute to a violation of the applicable ambient air increment.

No variance ~~shall~~ may be granted except after opportunity for a public hearing in the municipality where the applicant maintains the building or business in connection with which the variance is sought.

Sec. 42. 38 MRSA §605, as enacted by PL 1973, c. 438, §8, is amended to read:

§605. Malfunctions

Any person owning or operating any emission source that suffers a malfunction or breakdown in any component part which malfunction or breakdown causes a violation of ~~sections 598 to 604~~ any emission standards shall notify the board in writing within 48 hours.

Sec. 43. 38 MRSA §1311, as amended by PL 1979, c. 640, §1, is repealed.

Sec. 44. 38 MRSA §1312, as amended by PL 1979, c. 640, §2, is repealed.

Sec. 45. 38 MRSA §1313, as repealed and replaced by PL 1979, c. 640, §3, is repealed.

Sec. 46. 38 MRSA §1314, as amended by PL 1979, c. 640, §6, is repealed.

Sec. 47. 38 MRSA §1315, as amended by PL 1979, c. 640, §7, is repealed.

Effective September 23, 1983.

CHAPTER 567

H.P. 1304 - L.D. 1732

AN ACT to Adjust Certain Motor Vehicle Title Fees.

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

Sec. 1. 29 MRSA §2352, sub-§1, ¶¶B and C, as repealed and replaced by PL 1981, c. 698, §134, are amended to read:

B. §6 §7:

(1) For filing an application for a first certificate of title including security interest;

(2) For filing notice of a security interest after the first certificate of title has been issued;

(3) For a certificate of title after a transfer; and

(4) For a certificate of salvage pursuant to section 2377;

C. §5 §6:

(1) For a corrected certificate of title or certificate of salvage; and

(2) For duplicate certificate of title or certificate of salvage pursuant to section 2377; and

Sec. 2. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.