

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND ELEVENTH LEGISLATURE

**SECOND SPECIAL SESSION**

November 18, 1983

AND AT THE

**SECOND REGULAR SESSION**

January 4, 1984 to April 25, 1984

AND AT THE

**THIRD SPECIAL SESSION**

September 4, 1984 to September 11, 1984

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  
1986

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND ELEVENTH LEGISLATURE  
JANUARY 4, 1984 TO APRIL 25, 1984

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Sec. 4. Transition clause. All members of the State Harness Racing Commission who are confirmed and qualified and are serving on the effective date of this Act shall continue to serve under this Act for a period at least equal to the terms under which they were previously appointed.

Effective July 25, 1984.

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## CHAPTER 835

H.P. 1854 - L.D. 2455

AN ACT to Amend the Provisions of the Law  
Relating to the Control of Hazardous Air  
Pollutants.

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

Sec. 1. 22 MRSA §§1692-A, 1693-A and 1696 are enacted to read:

§1692-A. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Bureau. "Bureau" means the Bureau of Health.
2. Director. "Director" means the Director of the Bureau of Health or his designee.

§1693-A. Scientific Advisory Panel

1. Created. The department shall establish a 7-member Scientific Advisory Panel within the Bureau of Health. The commissioner shall appoint members of the panel from academic, medical, industrial or governmental occupations, who shall serve for 3-year terms, except that initially 3 members shall be appointed for 3 years, 2 members for 2 years and 2 members for one year. The commissioner shall consult with the Commissioner of Environmental Protection and may consult with other departments on the selection of panel members. Each member shall have professional expertise in a scientific discipline directly related to the study or health effects of hazardous pollutants, such as: Epidemiology, toxicology, ge-

netic toxicology, biostatistics, oncology, respiratory medicine, industrial hygiene, occupational medicine and atmospheric chemistry. The commissioner shall determine the term of each appointee with the restrictions provided by this section. The commissioner shall appoint the chairman of the panel who shall service for a one-year term.

Panel members shall serve without pay, but shall be compensated for expenses incurred in carrying out their duties.

2. Purpose and duties. The purpose of this section is to establish a Scientific Advisory Panel within the Department of Human Services, Bureau of Health, which provides professional scientific peer review and advice in order to assist the Environmental Health Unit in carrying out its responsibilities in the Hazardous Air Pollution Program and other related duties regarding the public health impact of chemical hazards in the environment.

The panel may review and evaluate potential health risks associated with pollutants other than those in the air. Requests for such a review shall be made to the Director of the Bureau of Health. If the director determines that the request is justified, the request shall be forwarded to the panel. The director may assess any reasonable costs to the party making the request.

3. Review based only on scientific considerations. In view of the need for pure scientific considerations in the review and evaluation of potential health risks associated with pollutants, the panel is prohibited from injecting political, economic and technology considerations into their decision-making process under this section.

4. Reports. The panel shall report its findings to the Director of the Bureau of Health who shall make them available to the public. Recommendations by the panel shall be by majority vote with a written opinion being provided. Any minority opinion shall be included in the report.

#### §1696. Hazardous air pollutants

1. Findings and declaration of purpose. The Legislature finds that:

A. Pure scientific considerations must govern the review and evaluation of potential health risks associated with chemical pollutants;

B. Scientific review and evaluation of potential health risks associated with potential hazardous air pollutants is an integral component of a successful hazardous air pollutant control program; and

C. The scientific review and evaluation is the responsibility of the Department of Human Services which is charged with the protection of the public health and welfare and has the professional expertise to assess potential public health risks from chemical hazards.

2. Duties. The Department of Human Services, through the Environmental Health Program in the Bureau of Health, with the advice of and peer review by the Scientific Advisory Panel, shall:

A. Collect and consider the health data for substances or classes of substances which are under consideration for regulation as hazardous air pollutants by the Board of Environmental Protection;

B. Establish a protocol for the health risk review and evaluation of potentially hazardous air pollutants for the following parameters: Carcinogenicity; in vivo and in vitro mutagenicity; teratogenicity; reproductive effects; neurotoxicity; acute and chronic reversible and irreversible effects; pharmacokinetics and pharmacodynamics; high-risk groups; bioaccumulation; and atmospheric fate;

C. Report the health consequences of exposure to various ambient air concentrations indicating a range of risk levels for cancer-causing substances and the health consequences of exposure to various ambient air concentrations of noncancer-causing substances, after considering the adequacy of the data base, animal to human extrapolation, high-risk groups and any other health-based considerations; and

D. Report whether exposure to the substance should be considered for regulation by the Board of Environmental Protection to protect public health.

3. Requests for review. Requests for review shall be as follows.

A. The bureau shall review or evaluate the potential health risks associated with potentially hazardous air pollutants at the request of:

(1) The director;

(2) The chairman of the Science Advisory Panel;

(3) Four or more members of the Science Advisory Panel; or

(4) The Commissioner of Environmental Protection following notice to the director of the bureau.

B. Requests from parties other than those listed in this subsection shall be reviewed by the Director of the Bureau of Health and, if justified, shall be pursued. The director may assess any reasonable costs to the party making those requests.

4. Reporting. The director shall compile all available information and prepare a report for each substance, class of substances or pollutants evaluated and submit this report to the commissioner, director or chairman of the group that requested the health risk review and evaluation.

Sec. 2. 38 MRSA §585-C is enacted to read:

§585-C. Hazardous air pollutant emissions inventory

1. Findings and purpose. The Legislature finds that advancing scientific knowledge increasingly demonstrates that many air pollutants may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness to the residents of the State. Accordingly, the Legislature concludes that it is in the public interest to identify the extent of potential health risks.

2. Emissions inventory. The Department of Environmental Protection shall carry out and maintain an inventory of the sources in the State emitting any substance which may be a hazardous air pollutant.

A. This inventory shall include the following data for each of those substances:

(1) The number of sources;

(2) The location of each source or category of source;

(3) The quantity emitted by each source or category of source;

(4) The total emissions; and

(5) The percentage of total emissions generated by sources with existing air licenses.

B. In conducting this inventory, the department may rely upon questionnaires or other reasonable methods, including those established by the United States Environmental Protection Agency, for the purpose of carrying out this duty as promptly and efficiently as possible. The department shall clearly indicate on any requests for information the minimum amount of emissions that must be reported.

C. In carrying out this inventory, the department may require persons to provide information on forms supplied by the department. Refusal to provide the information shall subject the person of whom it is requested to a civil penalty of not more than \$100 for each day's delay. Submission of a false information shall constitute a violation of section 349, subsection 3, in addition to being subject to remedies otherwise available by law.

D. Information relating to the emissions inventory submitted to the department under this section may be designated by the person submitting it as being only for the confidential use of the department. Designated confidential information shall be handled as confidential information is handled under section 1310-B, with the exception of emissions data which shall be public record.

E. The department shall report the results of its inventory to the Governor and the Legislature on or before February 15, 1985.

Sec. 3. 38 MRSA §591, first ¶, as amended by PL 1971, c. 618, §12, is further amended to read:

No person shall may discharge air contaminants into ambient air within a region in such manner as to violate ambient air quality standards established by



the board pursuant to section 584 or emission standards so established pursuant to section 585 or 585-B.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purpose of this Act.

1984-85

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health

Positions	(1)
Personal Services	\$20,295
All Other	<u>10,000</u>
Total	\$30,295

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Bureau of Air Quality Control

Positions	(1)
Personal Services	\$24,000
All Other	18,000
Capital Expenditures	<u>7,000</u>
Total	\$49,000

Effective July 25, 1984.

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## CHAPTER 836

H.P. 1816 - L.D. 2406

AN ACT to Provide Funding from the Blueberry Industry Tax to Promote Market Development for the Blueberry Industry.

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

Sec. 1. 36 MRSa §4301 is amended to read:

§4301. Purpose

The production and marketing of blueberries is one of the most important agricultural industries of