

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

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

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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to financial guidelines that are compatible with the Crippled Children's Program.

No family or person may be eligible for these funds if their medical expenses are covered by insurance or aid through any local, state, federal or national program, either governmental or private, except where those costs exceed the amount covered by the insurance or aid.

The distribution of these funds shall be under the control of the Commissioner of Human Services.

Definitions.

1. "Amount left over" shall be determined by records available or provable and at the discretion of the Commissioner of Human Services based on standards set by the Department of Human Services.

2. "Costs" means all prescribed medicines and drugs, hospitalization and physicians and related costs and any travel related to medical attention.

3. "Income" means the family's gross annual income received during the 12-month period prior to application and annually thereafter.

4. "Members of family" means all persons living in the home and dependent on the head of the household for support.

Sec. 7. Effective date. Section 2 of this Act shall take effect on September 1, 1987.

Effective July 16, 1986 unless otherwise indicated.

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## CHAPTER 772

H.P. 1495 - L.D. 2107

### AN ACT to Clarify the Application of Water Quality Standards to Hydroelectric Projects.

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

Sec. 1. 38 MRSA §363-C is enacted to read:

§363-C. Classification for certain hydroelectric impoundments

For the purpose of water quality classification, the waters of a new or proposed hydroelectric impoundment shall be deemed to be Class GP-A, if the commissioner finds that it is reasonably likely that the impoundment would:

1. Stratification. Thermally stratify;
2. Area. Exceed 30 acres in surface area; and
3. Discharge. Not have any upstream direct discharges except cooling water.

Sec. 2. 38 MRSA §634, sub-§1, as enacted by PL 1983, c. 458, §18, is amended to read:

1. Coordinated permit review. Permits required under the following laws shall not be required by any state agency for projects reviewed or exempted from review under this subarticle: Land use regulation laws, Title 12, sections 681 to 689; stream alteration laws, Title 12, sections 7776 to 7780; great ponds laws, sections 391 to 394; alteration of coastal wetlands laws, sections 471 to 478; and site location of development laws, sections 481 to 490. Notwithstanding section 654, the board may attach reasonable conditions consistent with this Act concerning the operation of hydropower projects. The board shall give written notice to the Commissioner of Inland Fisheries and Wildlife and the Commissioner of Marine Resources of the intent of any applicant for a permit to construct a dam.

Issuance of a water quality certificate required under the United States Water Pollution Control Act, Section 401, shall be coordinated for the applicant under this subarticle by the Department of Environmental Protection. The issuance of a water quality certificate shall be mandatory in every case where the board approves an application under this subarticle unless the board has found that the applicant has not demonstrated that under section 636, subsection 7, paragraph G, that the project or discharge will not result in significant harm to water quality or will not violate applicable water quality standards. The commissioner or director shall issue or deny this certificate based on the board's finding pursuant to section 636, subsection 7, paragraph G, within 5 working days of the applicant's request or the issuance of a permit. If issued, the certificate

shall state that there is a reasonable assurance that the project will not violate the applicable water quality standards. The coordination function of the department with respect to water quality certification shall not include any proceedings or substantive criteria in addition to those otherwise required by this subarticle. If the commissioner or director fails to act on the certificate, the federal certification requirements of the United States Water Pollution Control Act, Section 401, shall be waived.

Sec. 3. 38 MRSA §636, sub-§7, ¶¶E and F, as enacted by PL 1983, c. 458, §18, are amended to read:

E. Whether the project will result in significant flood control benefits or flood hazards; and

F. Whether the project will result in significant hydroelectric energy benefits, including the increase in generating capacity and annual energy output resulting from the project, and the amount of nonrenewable fuels it would replace; and

Sec. 4. 38 MRSA §636, sub-§7, ¶G is enacted to read:

G. For an application filed after the effective date of this paragraph, whether there is reasonable assurance that the project will not violate applicable state water quality standards, as required for water quality certification under the United States Water Pollution Control Act, Section 401.

Effective July 16, 1986.

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## CHAPTER 773

H.P. 1604 - L.D. 2258

AN ACT to Authorize the Establishment of  
Veterans' Homes in Northern and  
Southern Maine.

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

Sec. 1. 37-B MRSA §601, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place: