

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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and quantity of pollutants discharged overboard in order to improve effluent quality and decrease the environmental impact of the discharge so long as the methods will cause more than a minimal reduction in the volume and quality of pollutants discharged; and

(d) Shown that the discharge will not adversely affect aquatic life or cause or contribute to the new or expanded closure of a shellfish area by the Department of Marine Resources.

(2) The applicant is responsible for submitting to the board all information necessary to make the findings and determinations required by this section.

(3) Beginning on the effective date of this section, no overboard discharge license may have a term of more than 5 years. All existing licenses with expiration dates occurring in 1988 and 1989 shall expire on the date stated in the license. All other existing licenses shall expire on the same day and month stated in the existing license, but on a new year, determined by the following schedule:

<u>Current Expiration Date</u>	<u>New Date</u>
<u>1990, 1991</u>	<u>1989</u>
<u>1992, 1993</u>	<u>1990</u>
<u>1994, 1995</u>	<u>1991</u>
<u>1996, 1997</u>	<u>1992</u>
<u>1998</u>	<u>1993</u>

(4) At the time of relicensing and at each subsequent relicensing of an overboard discharge, the board shall impose all conditions necessary to meet the requirements of this section and all other relevant statutory provisions.

Sec. 6. 38 MRSA §466, sub-§§9-A and 9-B are enacted to read:

9-A. Overboard discharge. “Overboard discharge” means discharge to the surface waters of the State of domestic pollutants not conveyed to and treated in municipal or quasi-municipal sewerage treatment facilities.

9-B. Quasi-municipal. “Quasi-municipal” means any form of ownership and management by a governmental unit embracing a portion of a municipality, a single municipality or several municipalities which is created by law to deliver public waste water treatment services, but which is not a general purpose governmental unit.

Sec. 7. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

<u>1987-88</u>	<u>1988-89</u>
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ENVIRONMENTAL
PROTECTION,
DEPARTMENT OF

Bureau of Water Quality Control

Positions	(3)	(3)
Personal Services	\$75,681	\$82,090
All Other	12,900	9,450
Capital Expenditures	2,235	

Total	\$90,816	\$91,540
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Provides funds to carry relicensing responsibilities under the new provisions for overboard discharges. A Civil Engineer I and 2 Environmental Services Specialist II positions are established.

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

Effective June 1, 1987.

CHAPTER 181

H.P. 276 — L.D. 359

AN ACT Concerning Interdepartmental Coordination of Services to Children and Families.

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

Sec. 1. 34-B MRSA §1214 is enacted to read:

§1214. Committee for the Interdepartmental Coordination of Services to Children and Families

1. Establishment. The Committee for the Interdepartmental Coordination of Services to Children and Families is established.

2. Purpose. It is the intent of the Legislature to encourage the coordination of policies and programs for Maine children and families.

3. Membership. The committee shall be composed of 4 members: The Commissioner of Corrections; Commissioner of Educational and Cultural Services; Commissioner of Human Services; and Commissioner of Mental Health and Mental Retardation.

4. Goals of the committee. The goals of the committee shall be:

A. To encourage a statewide system of coordinated services, which are responsive to the current needs of children and families and which are delivered by a partnership of public, private and nonprofit state level and community based agencies, and to promote access to services by all children and their families who are in need of these services;

B. To evaluate on a continuing basis the allocation of resources to ensure the availability of quality services delivered in a coordinated and efficient manner

that is consistent with the needs of children and families; and

C. To continue the development of a comprehensive and coordinated approach to initiation and revision of policy affecting services to children and families.

5. Meetings. The committee shall meet on a regular basis.

6. Chairman. The committee shall select a chairman from among the 4 commissioners and the chairman shall serve for a term established by the committee.

7. Subcommittees. The committee may appoint subcommittees to carry out its work. Subcommittee membership may include representatives of public and private agencies which serve youth and families and other persons with special knowledge of, responsibility for or interest in an area related to the goals of the committee.

8. Report. The committee shall report annually to the Legislature on its progress in meeting the goals cited in subsection 4 and its proposals for implementing these same goals in the forthcoming year.

9. Administration. The costs associated with the committee shall be shared among the members of the committee. Nothing in this section may be construed to prohibit a member department from assigning its employees to serve as staff to the committee. The Department of Mental Health and Mental Retardation shall serve as fiscal agent for the committee.

10. Authorization to accept funds. The Department of Mental Health and Mental Retardation may accept, on behalf of the committee, funds from the Federal Government, from any political subdivision of the State or from any individual, foundation or corporation and may expend these funds for purposes which are consistent with this section.

Sec. 2. Effective date. This bill shall take effect February 1, 1988.

Effective February 1, 1988.

CHAPTER 182

H.P. 990 — L.D. 1336

AN ACT to Require Recording of Certain Subdivision and Zoning Variances.

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

Sec. 1. 30 MRSA §4956, sub-§2, as amended by PL 1975, c. 468, §2, is further amended to read:

2. Municipal review and regulation.

A. All requests for subdivision approval shall be reviewed by the municipal planning board, agency or office, or if none, by the municipal officers, hereinafter called the municipal reviewing authority.

B. The municipal reviewing authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of such hearing.

C. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

C-1. Upon receiving an application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within 30 days from receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. In the event that the municipal reviewing authority determines to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The municipal reviewing authority shall, within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in subsection 3 and to satisfy any other regulations adopted by the reviewing authority, and to protect and preserve the public's health, safety and general welfare. In all instances, the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria. In addition, whenever the initial approval or any subsequent amendment of a subdivision is based in part on the granting of a variance from any of the applicable subdivision approval standards, that fact shall be expressly noted on the face of the subdivision plan to be recorded in the