

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

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Effective September 29, 1987.

CHAPTER 192

H.P. 641 — L.D. 864

AN ACT to Amend the Laws Relating to and Administered by the Department of Environmental Protection.

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

Sec. 1. 4 MRSA §152, sub-§6, as amended by PL 1985, c. 746, §2, is repealed and the following enacted in its place:

6. Land use laws. Original jurisdiction, concurrent with that of the Superior Court, to grant equitable relief in proceedings involving alleged violations of a local land use ordinance or regulation or a state land use law or regulation, which shall include, but shall not be limited to, the following:

A. The law pertaining to the Maine Land Use Regulation Commission, Title 12, chapter 206-A;

B. Minimum lot size law, Title 12, sections 4807 to 4807-G;

C. The plumbing and subsurface wastewater disposal rules adopted by the Department of Human Services pursuant to Title 22, section 42;

D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263;

E. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648;

F. Local ordinances pursuant to Title 22, section 2642;

G. Laws pertaining to fire prevention and protection which require enforcement by local officers pursuant to Title 25, chapter 313;

H. Laws pertaining to the construction of public buildings for the physically disabled pursuant to Title 25, chapter 331;

I. Local land use ordinances adopted pursuant to Title 30, section 1917;

J. Local building codes adopted pursuant to Title 30, sections 1917 and 2151;

K. Local housing codes adopted pursuant to Title 30, sections 1917 and 2151;

L. Local ordinances regarding automobile junkyards pursuant to Title 30, chapter 215, subchapter I;

M. Local ordinances regarding electrical installations pursuant to Title 30, chapter 215, subchapter III;

N. Regulation and inspection of plumbing pursuant to Title 30, chapter 215, subchapter X;

O. Local ordinances regarding malfunctioning domestic sewage disposal units pursuant to Title 30, section 4359;

P. The subdivision law pursuant to Title 30, section 4956; local subdivision ordinances adopted pursuant to Title 30, section 1917; and subdivision regulations adopted pursuant to Title 30, section 4956;

Q. Local zoning ordinances adopted pursuant to Title 30, section 1917 and in accordance with Title 30, section 4962;

R. The Great Ponds Program, Title 38, sections 386 to 396;

S. The freshwater wetlands laws, Title 38, sections 405 to 410-D;

T. Laws pertaining to the discharge of wastes, Title 38, sections 413, 414, 417, 418 and 420;

U. The alteration of rivers, streams and brooks laws, Title 38, sections 425 to 431;

V. The alteration of coastal wetlands laws, Title 38, sections 471 to 478;

W. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447;

X. The site location of development laws, Title 38, sections 481 to 485 and 488 to 490; and

Y. The oil discharge prevention and pollution control laws, Title 38, sections 543, 545, 563, 564, 565, 566, 567 and 568.

Sec. 2. 22 MRSA §2642, sub-§2, as enacted by PL 1975, c. 751, §4, is amended to read:

2. Penalty. Whoever willfully violates any regulation established under the authority of this section shall, upon conviction, be punished by a fine of not more than \$500 penalized in accordance with Title 30, section 4966.

Sec. 3. 22 MRSA §2648, first ¶, as enacted by PL 1975, c. 751, §4, is amended to read:

Any water utility or municipality is authorized to designate by buoys in water or markers on the ice in an area on a lake or pond from which water is taken, with a radius commencing at its point of intake. Such radius shall not exceed 200 feet and within that area no person shall anchor or moor a boat or carry on ice fishing. Any such buoys placed in the water shall be plainly marked

as required by the Director of the Bureau of Parks and Recreation under Title 38, section 323. Any person violating this section shall, on conviction, be ~~punished by a fine of not more than \$50 for each offense~~ penalized in accordance with Title 30, section 4966.

Sec. 4. 25 MRSA §§2357 and 2358 are amended to read:

§2357. No occupancy without certificate; appeal

No new building shall may be occupied until the inspector of buildings has given a certificate that the same has been built in accordance with section 2353, and so as to be safe from fire. If the owner permits it to be so occupied without such certificate, he shall be ~~liable to a fine of \$10 for each week he permits such building to be so occupied, to be recovered by complaint or indictment~~ penalized in accordance with Title 30, section 4966. In case the inspector of buildings for any cause declines to give his certificate and the builder has in his own judgment complied with section 2353, an appeal may be taken to the municipal officers and, if on such appeal it shall be decided by them that said section has been complied with, the owner of said building shall not be liable to a fine for want of the certificate of the inspector.

§2358. Failure to comply with order of inspector

If the owner of any building neglects or refuses for more than 30 days to comply with any direction of the inspector of buildings concerning the repairs on any building as provided in section 2354, or to make such changes in the construction or situation of chimneys, flues, funnels, stoves, furnaces, boilers, boiler connections and heating apparatus, as may be required by such inspector of buildings under section 2355, or as may be confirmed by the municipal officers on appeal, he shall be ~~punished by a fine of \$10 for each week he so neglects or refuses, to be recovered by complaint or indictment~~ penalized in accordance with Title 30, section 4966.

Sec. 5. 25 MRSA §2359, as amended by PL 1975, c. 623, §35, is further amended to read:

§2359. Refusing admission to inspector

Any owner or occupant of a building, who refuses to permit an inspector of buildings to enter his buildings or willfully obstructs him in the inspection of such building as required by chapters 313 to 321, shall be ~~punished by a fine of not less than \$1 nor more than \$20, to be recovered by complaint or indictment~~ penalized in accordance with Title 30, section 4966.

Sec. 6. 30 MRSA §4966, first ¶, as amended by PL 1985, c. 612, §17, is repealed.

Sec. 7. 30 MRSA §4966, sub-§4 is enacted to read:

4. Application. The provisions of this section apply to enforcement of land use laws and ordinances or rules

which are administered and enforced primarily at the local level, including:

A. The plumbing and subsurface wastewater disposal rules adopted by the Department of Human Services pursuant to Title 22, section 42, including the land area of the State which is subject to the jurisdiction of the Maine Land Use Regulation Commission;

B. Laws pertaining to public water supplies, Title 22, sections 2642, 2647 and 2648;

C. Local ordinances adopted pursuant to Title 22, section 2642;

D. Laws administered by local health officers pursuant to Title 22, chapters 153 and 263;

E. Laws pertaining to fire prevention and protection, which require enforcement by local officers pursuant to Title 25, chapter 313;

F. Laws pertaining to the construction of public buildings for the physically disabled pursuant to Title 25, chapter 331;

G. Local land use ordinances adopted pursuant to section 1917;

H. Local building codes adopted pursuant to sections 1917 and 2151;

I. Local housing codes adopted pursuant to sections 1917 and 2151;

J. Local ordinances regarding automobile junkyards pursuant to chapter 215, subchapter I;

K. Local ordinances regarding electrical installations pursuant to chapter 215, subchapter III;

L. Local ordinances regarding regulation and inspection of plumbing pursuant to chapter 215, subchapter X;

M. Local ordinances regarding malfunctioning subsurface waste water disposal systems pursuant to section 4359;

N. The subdivision law and local subdivision ordinances adopted pursuant to section 1917 and subdivision regulations adopted pursuant to section 4956;

O. Local zoning ordinances adopted pursuant to section 1917 and in accordance with section 4962; and

P. Shoreland zoning ordinances adopted pursuant to Title 38, sections 435 to 447, including those which were state-imposed.

Sec. 8. 38 MRSA §351, 3rd ¶, as enacted by PL 1983, c. 574, §1, is amended to read:

Money in the fund may only be expended in accordance with allocations approved by the Legislature. ~~This allocation~~ These allocations shall be based on estimates of the actual costs necessary for the department to administer licensing and permitting programs. Allowable expenditures include Personal Services, All Other and Capital Expenditures associated with prelicense or permit activities such as application reviews, public hearings and appeals, the actual license or permit processing activities and associated post-license or permit compliance activities required to assure continued licensee or permittee compliance.

Sec. 9. 38 MRSA §390-A, sub-§1, as repealed and replaced by PL 1985, c. 162, §5, is amended to read:

1. Fund purposes and administration. There is established a nonlapsing Lake Restoration and Protection Fund, from which the department may pay ~~an amount equal to the local share from state appropriation up to 50%~~ of the eligible costs incurred in a lake restoration or protection project. Eligible costs include all costs except those related to land acquisition, legal fees and debt service. All money credited to that fund shall be used by the department 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 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 money 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 for no other purpose.

Sec. 10. 38 MRSA §394, as amended by PL 1985, c. 746, §18, is repealed and the following enacted in its place:

§394. Exemptions

The following activities are exempt from the provisions of this subchapter:

1. Maintenance. Maintenance and minor repair above the high water line causing no additional intrusion of an existing structure into the great pond; and

2. Water lines; utility cables. Placement of water lines to serve a single-family house, installation of cable by a cable television company, installation of cables for utilities, such as telephone and power cables, provided that the excavated trench to access the great pond is backfilled and riprapped to prevent erosion, that the excavated trench on the landward side of the riprapped area is seeded and mulched to prevent erosion, and provided that the Bureau of Public Lands, has approved the placement of the cable across the lake bottom.

Sec. 11. 38 MRSA §414-A, sub-§1, ¶C, as enacted by PL 1973, c. 450, §15, is repealed and the following enacted in its place:

C. The discharge either by itself or in combination with other discharges will not lower the existing quality of any body of water, unless, following opportunity for public participation, the board finds that the discharge is necessary to achieve important economic or social benefits to the State and when the discharge is in conformance with section 464, subsection 4, paragraph F. The finding must be made following procedures established by rule of the board pursuant to section 464, subsection 4, paragraph F;

Sec. 12. 38 MRSA §427, sub-§5, as enacted by PL 1985, c. 481, Pt. A, §86, is amended to read:

5. Participation by the Department of Inland Fisheries and Wildlife. The commissioner or the board shall solicit comments from the Department of Inland Fisheries and Wildlife regarding each stream alteration permit application, except that the commissioner and the Commissioner of Inland Fisheries and Wildlife may establish specific categories of stream alteration projects that are exempt from this subsection. The commissioner shall notify the Department of Inland Fisheries and Wildlife about the disposition of each stream alteration permit application.

Sec. 13. 38 MRSA §430, sub-§1, as enacted by PL 1985, c. 481, Pt. A, §87, is amended to read:

1. Public works and private crossing and dam projects. Notwithstanding section 425, that section shall not apply to river, stream or brook crossings in connection with public works projects which alter not more than a total of 300 feet in any mile of shore nor to private crossing or dam projects which alter not more than a total of 100 feet in any mile of shore. Alterations to both shores of the river, stream or brook shall be combined in arriving at a total shore footage. Altered shoreline shall include changes in the shoreline perimeter created by impoundments. This exception subsection shall not apply to any project on outstanding river segments, as identified in section 426.

Sec. 14. 38 MRSA §451-A, sub-§1, as amended by PL 1985, c. 162, §6, is further amended to read:

1. Power to grant variances. The Board of Environmental Protection may grant a variance from any statutory water pollution abatement time schedule requirement, pursuant to section 414-A, subsection, paragraph D, to any municipality or quasi-municipal entity, hereinafter called the "municipality," upon application by it. The board may grant a variance only upon a finding that:

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

B. The municipality has demonstrated that it has completed preliminary plans acceptable to the Department of Environmental Protection for the treatment of municipal wastes and for construction of that por-

tion of the municipal sewage system intended to be served by the planned municipal treatment plant when that plant first begins operations; and

C. Beginning on October 1, 1976, the municipality shall collect, from each discharger into its sewage system and each discharger not connected to the sewage system which has signed an approved agreement with the municipality pursuant to subsection 2, a fee sufficient to equal their proportionate share of the actual current cost of operating the sewage system for which preliminary plans have been completed and approved pursuant to paragraph B. Actual current costs shall include but not be limited to preliminary plans, final design plans, site acquisition, legal fees, interest fees, sewer system maintenance and rehabilitation and other administrative costs. A municipality may provide, when permitted under the federal construction grant program, that in lieu of such annual fees paid by dischargers, the municipality may apportion an appropriate amount from general revenues to cover that share of fees to be paid by dischargers.

The funds collected or apportioned pursuant to this paragraph and interest collected thereon shall be invested and expended pursuant to Title 30, chapter 241.

Any funds paid by a discharger or discharger not connected to the sewage system pursuant to this paragraph may be credited to the account of the discharger if the municipality is subsequently reimbursed by the federal construction grant program. The credit arrangement shall be determined by agreement between the municipality and the discharger.

Variations shall be issued for a term certain not to exceed 3 years, and may be renewed, except that no variation shall may run longer than the time specified for completion of the municipal waste treatment facility. Notwithstanding the provisions of this subsection, no variance issued under this section may extend beyond July 1, 1988. Upon notice of the availability of federal funds, the municipality shall present to the Department of Environmental Protection for approval an implementation schedule for designing, constructing and placing the waste collection and treatment facilities in operation.

Variations may be conditioned upon reasonable and necessary terms relating to appropriate interim measures to be taken by the municipality to maintain or improve water quality.

Sec. 15. 38 MRSA §451-A, sub-§7, as amended by PL 1983, c. 566, §29, is repealed.

Sec. 16. 38 MRSA §455, as amended by PL 1983, c. 646, is repealed.

Sec. 17. 38 MRSA §467, sub-§4, ¶F, as enacted by PL 1985, c. 698, §15, is amended to read:

F. Moose River Drainage.

(1) Moose River, main stem.

(a) Above its confluence with Number One Brook in Beattie Township — Class A.

(b) From its confluence with Number One Brook in Beattie Township to its confluence with Attean Pond — Class B AA.

(c) From the outlet of Attean Pond to its confluence with Big Wood Pond — Class A.

(d) From the outlet of Big Wood Pond to its confluence with Long Pond — Class C.

(e) From the outlet of Long Pond to its confluence with Brassua Lake — Class B.

(f) From the outlet of Brassua Lake to its confluence with Moosehead Lake — Class B.

(2) Moose River, tributaries.

(a) All tributaries entering above the outlet of Big Wood Pond — Class A.

Sec. 18. 38 MRSA §467, sub-§7, ¶B, as enacted by PL 1985, c. 698, §15, is amended to read:

B. Penobscot River, East Branch Drainage.

(1) East Branch of the Penobscot River, main stem.

(a) Above its confluence with Grand Lake Mattagamon — Class A.

(b) From the dam at the outlet of Grand Lake Mattagamon to a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon — Class B.

(c) From a point located 1,000 feet downstream from the dam at the outlet of Grand Lake Mattagamon to its confluence with the West Branch — Class B.

(2) East Branch of the Penobscot River, tributaries.

(a) All tributaries and segments of the East Branch of the Penobscot River entering above the outlet of Grand Lake Mattagamon which are not otherwise classified — Class A.

(b) All tributaries and segments of the East Branch of the Penobscot River entering below the outlet of Grand Lake Mattagamon which are not otherwise classified — Class B.

(c) All tributaries and segments of the East Branch of the Penobscot River which are within the boundaries of Baxter State Park — Class AA.

(d) Sawtelle Brook, from a point located 1,000 feet downstream from the dam at the outlet of Sawtelle Deadwater to its confluence with the Seboeis River — Class B.

(e) Seboeis River, from the outlet of Snowshoe Lake to its confluence with the East Branch — Class B.

(f) Wassataquoik Stream, from the boundary of Baxter State Park to its confluence with the East Branch — Class B.

(g) Webster Brook, from a point located 1,000 feet downstream from the dam at the outlet of Telos Lake to its confluence with ~~Grand Lake Matagamon~~ Webster Lake — Class B.

Sec. 19. 38 MRSA §467, sub-§10, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. Narraguagus River, main stem.

(1) From the outlet of Eagle Lake to the confluence with the West Branch of the Narraguagus River in Cherryfield — Class ~~A~~ AA.

(2) From the confluence with the West Branch of the Narraguagus River in Cherryfield to tidewater — Class B.

Sec. 20. 38 MRSA §467, sub-§13, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. St. Croix River, main stem.

(1) From the outlet of Chiputneticook Lakes to the Grand Falls Dam, those waters lying within the State — Class B.

(2) From the Grand Falls Dam to ~~its confluence with Woodland Lake~~ the Woodland Dam, those waters lying within the State, including all impoundments — Class C.

(3) From the Woodland Dam to tidewater, those waters lying within the State, including all impoundments — Class C.

Sec. 21. 38 MRSA §467, sub-§15, ¶B, as enacted by PL 1985, c. 698, §15, is amended to read:

B. Allagash River Drainage.

(1) Allagash River, main stem.

(a) From Churchill Dam to a point located 1,000 feet downstream from Churchill Dam — Class A.

(b) From a point located 1,000 feet downstream from Churchill Dam to its confluence with Gerald Brook in Allagash — Class AA.

(c) From its confluence with Gerald Brook in Allagash to its confluence with the St. John River — Class A.

(2) Allagash River, tributaries.

(a) All tributaries ~~and segments~~ of the Allagash River which are not otherwise classified — Class A.

(b) Allagash Stream, from the outlet of Allagash Pond in T.9, R.15, W.E.L.S. to its confluence with Chamberlain Lake — Class AA.

(c) Chemquasabamticook Stream, from the outlet of Chemquasabamticook Lake to its confluence with Long Lake — Class AA.

(d) Musquacook Stream, from the outlet of Third Musquacook Lake to its confluence with the Allagash River — Class AA.

Sec. 22. 38 MRSA §467, sub-§15, ¶C, as enacted by PL 1985, c. 698, §15, is amended to read:

C. Aroostook River Drainage.

(1) Aroostook River, main stem.

(a) From the confluence of Millinocket Stream and Munsungan Stream to its confluence with the Machias River — Class AA.

(b) From its confluence with the Machias River to the Sheridan Dam — Class B.

(c) From the Sheridan Dam to its confluence with Presque Isle Stream, including all impoundments — Class B.

(d) From its confluence with Presque Isle Stream to a point located 3.0 miles upstream of the intake of the Caribou water supply, including all impoundments — Class C.

(e) From a point located 3.0 miles upstream of the intake of the Caribou water supply to a point located 100 yards downstream of the intake of the Caribou water supply, including all impoundments — Class B.

(f) From a point located 100 yards downstream of the intake of the Caribou water supply to the international boundary, including all impoundments — Class C.

(2) Aroostook River, tributaries.

(a) All tributaries ~~and segments~~ of the Aroostook River entering above the confluence with St. Croix Stream which are not otherwise classified — Class A.

(b) Limestone Stream from the Long Road Bridge to the international boundary — Class C.

(c) Little Machias River and its tributaries — Class A.

(d) Little Madawaska River and its tributaries, including Madawaska Lake tributaries above the Route 161 bridge in Stockholm — Class A.

(e) Machias River, from the outlet of Big Machias Lake to the Garfield Plantation-Ashland boundary — Class AA.

(f) Machias River tributaries entering above the Garfield-Ashland boundary — Class A.

(g) Millinocket Stream, from the outlet of Millinocket Lake to its confluence with Munsungan Stream — Class AA.

(h) Munsungan Stream, from the outlet of Little Munsungan Lake to its confluence with Millinocket Stream — Class AA.

(i) Pattee Brook (Fort Fairfield) and its tributaries above the dam just upstream of the Route 167 bridge — Class A.

(j) Presque Isle Stream and its tributaries above its confluence with, but not including, the North Branch of Presque Isle Stream — Class A.

(k) St. Croix Stream from the outlet of St. Croix Lake to its confluence with Hall Brook in T.9, R.5, W.E.L.S. — Class A.

(l) St. Croix Stream from its confluence with Hall Brook in T.9, R.5, W.E.L.S. to its confluence with the Aroostook River — Class AA.

(m) St. Croix Stream tributaries — Class A.

(n) Salmon Brook, from the dam immediately above Washburn to its confluence with the Aroostook River — Class C.

(o) Squapan Stream and its tributaries above the B&A Railroad bridge — Class A.

(p) Unnamed Stream (Presque Isle) near Vining Station on Washburn Road — Class C.

Sec. 23. 38 MRSA §469, sub-§8, ¶¶E and F, as enacted by PL 1985, c. 698, § 15, are amended to read:

E. Old Orchard Beach.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70°22'-55" W. 70°23'-08" W. — Class SC.

F. Saco.

(1) Tidal waters of Goosefare Brook and its tidal tributaries lying westerly of longitude 70°22'-55" W. 70°23'-08" W. — Class SC.

(2) Tidal waters of the Saco River and its tidal tributaries lying westerly of longitude 70°22'-54" W. — Class SC.

Sec. 24. 38 MRSA §473, sub-§2, as enacted by PL 1975, c. 595, §3, is amended to read:

2. Adopted zoning ordinance. Adopted a zoning ordinance approved by the board and the Maine Land Use Regulation Commission, pursuant to Title ~~12~~ 38, ~~chapter 424~~ section 438;

Sec. 25. 38 MRSA §1304, sub-§12, ¶A, as enacted by PL 1985, c. 746, §29, is amended to read:

A. Whenever, after investigation, the commissioner determines that there is or has been an unauthorized discharge of hazardous waste, constituents of hazardous waste, or waste oil into the environment which where there is a reasonable basis to believe that the discharge is endangering or causing damage to public health or the environment or that any person has violated or is in violation of any requirement of this subchapter, including rules adopted thereunder, relating to hazardous waste which is endangering or causing damage to public health or the environment or waste oil activities, he may issue an order requiring compliance immediately or within a specified time period or requiring corrective action or other response measures as necessary to remove the dangers to protect the public health and safety or the environment.

The commissioner may require assurance of financial ability for completing corrective action and may require, where necessary, that corrective action be taken beyond a facility or site to remove the danger to the public health or the environment unless the person to whom the order is directed demonstrates to the commissioner that, despite that person's best efforts, he was unable to obtain the necessary permission to undertake such actions.

Sec. 26. 38 MRSA §1304, sub-§12, ¶D, as enacted by PL 1985, c. 746, §29, is amended to read:

D. The person to whom the order is directed shall comply immediately or within a specified time period. That person may apply to the board within 10 working days after receipt of the order for a hearing on the order. The hearing shall be held by a majority of the board members within 14 days after receipt of the application. Within 7 days after the hearing, the board shall make findings of fact and shall continue, revoke or modify the order. Within 15 working days after receipt of the application, the board shall hold a hearing, make findings of fact and continue, revoke

or modify the order. At the hearing, all witnesses shall be sworn and the department shall establish the basis for the order and for naming the person to whom the order was directed. The decision of the board may be appealed to the Superior Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter VII.

Sec. 27. 38 MRSA §1310, last ¶, as repealed and replaced by PL 1979, c. 699, §16, is amended to read:

The person to whom the order is directed shall comply immediately. An order may not be appealed to the Superior Court, but a person to whom it is directed may apply to the board for a hearing on the order if the application is made within 48 hours after receipt of the order by the person to whom the order was directed. The hearing shall be held by the board within 48 hours after receipt of application. Within 7 days after the hearing, the board shall make findings of fact and continue, revoke or modify the order. Within 5 working days after receipt of the application, the board shall hold a hearing, make findings of fact and continue, revoke or modify the order. The decision of the board may be appealed to the Superior Court in accordance with Title 5, chapter 375, subchapter VII.

Sec. 28. 38 MRSA 1319-E, sub-§2, as enacted by PL 1981, c. 478, §7, is repealed.

Sec. 29. 38 MRSA §1364, sub-§6, as enacted by PL 1983, c. 569, §1, is amended to read:

6. Accept funds. The department may accept any public or private funds which may be available for carrying out the purposes of this chapter. The Uncontrolled Sites Fund is established to be used by the department as a nonlapsing revolving fund for carrying out the purposes of this chapter, including the long-term oversight of uncontrolled hazardous substance sites. Money in the fund, not needed currently to meet the obligations of the department in the exercise of its responsibilities under this chapter, shall be deposited with the Treasurer of State to the credit of the fund and may be invested in such a manner as is provided for by law. Interest received on that investment shall be credited to the fund.

Sec. 30. 38 MRSA §1366, last ¶, as enacted by PL 1983, c. 569, §1, is repealed.

Sec. 31. 38 MRSA §1367, last ¶, as enacted by PL 1983, c. 569, §1, is amended to read:

Funds recovered under this section shall be deposited into the account from which the funds were expended Uncontrolled Sites Fund and shall be used by the department to carry out the purposes of this chapter.

Effective September 29, 1987.

CHAPTER 193

H.P. 750 — L.D. 1013

AN ACT to Clarify and Amend the Maine State Retirement Law.

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

Sec. 1. 5 MRSA §17153, sub-§ 1, as enacted by PL 1985, c. 801, §§5 and 7, is repealed.

Sec. 2. 5 MRSA §17153, sub-§1-A is enacted to read:

1-A. Actuarially sound basis. The board shall calculate the funds necessary to maintain the retirement system on an actuarially sound basis, including the unfunded liability arising from payment of benefits for which contributions were not received and shall transmit those calculations to the State Budget Officer as required by chapter 149.

A. For benefits applicable to state employees, teachers or participating local district employees that are established through collective bargaining, the board shall apply the funding methods and assumptions adopted by the board pursuant to this subsection.

B. The Legislature shall appropriate and transfer annually those funds the board determines to be necessary under this subsection to maintain the retirement system on an actuarially sound basis.

C. This subsection may not be construed to require the State to appropriate and transfer funds to meet the obligations of participating local districts to the retirement system.

Effective September 29, 1987.

CHAPTER 194

S.P. 534 — L.D. 1605

AN ACT Concerning the Use of Safety Devices in Public Swimming Pools.

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

22 MRSA §1635 is enacted to read:

§1635. Use of safety equipment in public pools

1. Use of safety equipment by persons who suffer from physical disability or condition. No person may prohibit the use of a life jacket or similar device in a public swimming pool by any person who suffers, as evidenced by a signed statement of a licensed physician,