

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
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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1979, c. 420, §1, is repealed and the following enacted in its place:

7. False registration of bear. A person is guilty of false registration of bear if he presents a bear for registration or allows to be registered in his name any bear:

A. Which he himself did not kill; or

B. Which he himself did not catch in a trap and kill.

Sec. 20. 12 MRSA §7452, sub-§11, as enacted by PL 1979, c. 543, §40, is amended to read:

11. Failure to attach bear tag to bear. A person is guilty of failure to attach a bear tag to a bear if, prior to presenting a bear for registration, he possesses or leaves in the fields or forests a bear which he has killed and which does not have securely attached to it and plainly visible the bear tag portion of his hunting license bearing his full name and address, or if the bear was taken by trapping, a tag bearing his full name, address and trapping license number.

Sec. 21. 12 MRSA §7452, sub-§15, ¶A-1 is enacted to read:

A-1. Notwithstanding subsection 6, paragraph C, a person on a hunting trip in an unorganized township and staying at a temporary place of lodging during the open firearm season on deer, may keep an unregistered bear at that temporary place of lodging for a period not to exceed 7 days or until he leaves the woods, whichever comes first.

Sec. 22. 12 MRSA §7464, sub-§8-A, as enacted by PL 1981, c. 118, §9, is amended to read:

8-A. Illegal firearms. A person is guilty of using illegal firearms if he uses a handgun, which is less than .35 caliber, a .22 caliber rimfire firearm or a shotgun using shot loads to hunt moose.

Sec. 23. 12 MRSA §7827, sub-§4-A, as enacted by PL 1979, c. 543, §79, is amended to read:

4-A. Unlawfully operating a vehicle on a snowmobile trail. A person is guilty of unlawfully operating a vehicle on a snowmobile trail if he operates any 4-wheel drive vehicle, dune buggy, ATV, motorcycle or other motorized any other motor vehicle, other than a snowmobile and appurtenant equipment, over the snow on roads and trails maintained for snowmobile use and on snowmobile trails which are financed in whole or in part with funds from the Snowmobile Trail Fund, unless such that use has been authorized by the landowner or his agent, or unless the use is necessitated by an emergency involving safety of persons or property.

Sec. 24. 12 MRSA §7827, sub-§23, ¶F-1 is enacted to read:

F-1. Notwithstanding subsection 18, a person is not guilty of operating a snowmobile on railroad tracks if he is operating within the right-of-way of a portion of railroad line which has been officially abandoned under the authority of the Interstate Commerce Commission.

Sec. 25. 12 MRSA §7857, sub-§24, ¶E-2 is enacted to read:

E-2. Notwithstanding subsection 18, a person is not guilty of operating an all-terrain vehicle on railroad tracks if he is operating within the right-of-way of a portion of railroad line which has been officially abandoned under the authority of the Interstate Commerce Commission.

Effective September 29, 1987.

CHAPTER 318

H.P. 114 — L.D. 139

AN ACT to Increase Local Control of Certain Waste Water Discharges.

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

Sec. 1. 30 MRSA §4966, first ¶, as amended by PL 1985, c. 612, §17, is further amended to read:

The following provisions shall apply to enforcement of land use laws and ordinances or regulations which are administered and enforced primarily at the local level, including shoreland zoning ordinances adopted pursuant to Title 12, sections 4811 to 4817, including those which were state-imposed; the plumbing and subsurface waste water 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, laws pertaining to public water supplies, Title 22, sections 2624, 2647 and 2648; local ordinances adopted pursuant to Title 22, section 2642; local land use ordinances enacted pursuant to section 1917; local building codes adopted pursuant to sections 1917 and 2151; chapter 215, subchapter I, Automobile Junkyards and subchapter X, Regulation and Inspection of Plumbing; section 4359, malfunctioning subsurface waste water disposal systems; the subdivision law and local subdivision ordinances adopted pursuant to section 1917 and subdivision regulations adopted pursuant to section 4956; and local zoning ordinances adopted pursuant to section 1917 and in accordance with section 4962; and waste water discharge licenses issued pursuant to Title 38, section 413, subsection 8.

Sec. 2. 30 MRSA §4966, sub-§3, ¶G is enacted to read:

G. The penalties for violations of waste discharge licenses issued by the municipality pursuant to Title 38, section 413, subsection 8, is as prescribed in Title 38, section 349.

Sec. 3. 38 MRSA §413, sub-§8 is enacted to read:

8. Municipalities may apply to the board for authority to issue licenses for the discharge of not more than 2,500 gallons a day of treated domestic waste water to surface waters within their jurisdiction and for the inspection and enforcement of the licenses, in conformance with this chapter and applicable regulation of the board.

Authority shall only be given to a municipality after a finding by the board that the municipality has the capability and will fully execute all responsibilities under applicable state law, will routinely inspect and monitor licensed discharges within its jurisdiction and will take enforcement action against those persons who violate discharge permit requirements.

Upon issuance of a license, a municipality shall forward a copy of that license to the department within 5 working days. Within 30 days of the receipt of the license by the department, any person aggrieved by the decision of the municipality, or the department, may appeal to the board to reverse the decision of the municipality.

Municipalities delegated authority pursuant to this subsection may prescribe, by ordinance, standards for the issuance of waste discharge licenses and for minimum performance and maintenance of treatment systems as may be necessary to carry out the intent of this subsection. No ordinance or other municipal law may establish standards and procedures that are less stringent than those required under relevant state and federal law and departmental rule.

The Board of Environmental Protection may promulgate rules governing the minimum requirements that shall control the licensing and enforcement of discharges by the municipalities. Included in these rules shall be a model ordinance which, if adopted by municipalities, will satisfy the requirements of the rules.

Notwithstanding section 352, municipalities may establish reasonable fees, not to exceed \$200 per year, to defray the costs of discharge license issuance, inspection and testing. The department shall not collect fees associated with those licenses delegated under this subsection.

The department may provide municipalities with technical assistance in their licensing, inspections and enforcement programs.

If at any time the board determines that a municipality may be failing to exercise its license-granting authority in accordance with its approval procedures or the purposes of this chapter and rules promulgated by the board, it shall notify the municipality of the specific alleged defi-

ciencies and shall order a public hearing, of which adequate public notice shall be given, to be held in the municipality to solicit public or official comment on those alleged deficiencies. Following the hearing, if it finds such deficiencies, it may revoke the municipality's license-granting authority. The municipality may reapply for authority at any time. Nothing in this subsection limits the board's or department's authority to inspect or initiate enforcement action against any discharge within a municipality.

Effective September 29, 1987.

CHAPTER 319

H.P. 815 — L.D. 1089

AN ACT to Amend the Potato Marketing Improvement Fund Law.

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

Sec. 1. 7 MRSA §972, as amended by PL 1985, c. 779, §35, is further amended to read:

§972. Potato Marketing Improvement Committee

~~The commissioner shall appoint~~ There is established an advisory committee, as authorized by Title 5, section 12004, subsection 9, of 8 10 members to be known as the Potato Marketing Improvement Committee. The Potato Marketing Improvement Committee shall advise the commissioner on the development and implementation of improved potato marketing systems, including the modernization, construction and operation of storage and central packing facilities. The Potato Marketing Improvement Committee shall also advise the commissioner concerning the funding and expenditures of the Potato Marketing Improvement Fund created pursuant to section 973. ~~The Potato Marketing Improvement Committee commissioner shall include~~ appoint one member representing the University of Maine System, ~~one member representing the Maine Potato Council, one member representing the Maine Potato Commission, one member representing the Maine Potato Sales Association,~~ one member representing the Farmers Home Administration, one member representing the Farm Credit Service System, one member representing the State Development Office and one member representing the public. Each executive council established pursuant to Title 36, section 4603, subsection 3, shall appoint one person to serve as a member of the committee. ~~The commissioner and the executive councils shall appoint as members persons with education, training or experience relevant to the development and implementation of improved potato marketing systems, including the modernization, construction and operation of storage and central packing facilities and with an understanding of the importance of those facilities for potato quality and marketing. Where the commissioner finds it appropriate, the mem-~~