

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
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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-~~

bers representing the Farmers Home Administration and the Farm Credit Service System may serve as a loan review committee and advise him, on a confidential basis, on applications for funding.

Sec. 2. 7 MRSA §973, as enacted by PL 1981, c. 513, §7, is amended to read:

§973. Potato Marketing Improvement Fund

There is created a fund to be known as the Potato Marketing Improvement Fund, to which shall be credited all funds received by the commissioner from any source for the development and implementation of an improved storage, packing and marketing program. Any money credited to the Potato Marketing Improvement Fund from the issuance of bonds on behalf of the State for agricultural development shall be used only for the purposes of state loans as prescribed by section 974 974-A, to provide assistance to farmers on technical aspects of the design and construction of storage, packing and marketing facilities and to pay the administrative costs of processing loan applications, to the extent that the costs exceed the fee for administrative costs established by section 974-A, subsection 2. Repayment of these loans and interest thereon shall be credited to the Potato Marketing Improvement Fund to be available for making additional state loans for the same purposes.

Sec. 3. 7 MRSA §974, as enacted by PL 1981, c. 513, §7, is repealed.

Sec. 4. 7 MRSA §974-A is enacted to read:

§974-A. State loans

1. State loans. State loans are subject to the following conditions.

A. No state loan for any project under this article, the total cost of which exceeds \$50,000, may exceed 45% of the project cost and no state loan may be provided for such a project unless the applicant demonstrates a commitment of private funds of at least 10% of the total cost of the project, except that, in order to encourage the undertaking of cooperative projects by 2 or more farmers, no state loan for such a project may exceed 50% of the total cost of the project and no state loan may be provided unless the cooperating farmers as a group demonstrate a commitment of private funds of at least 5% of the total cost of the project.

B. No state loan for any project under this article, the total cost of which is \$50,000 or less, may exceed 55% of the total cost of the project.

C. State loans shall be at the interest rate established pursuant to subsection 2.

D. Other terms and conditions prescribed by rule by the commissioner upon consultation with the Potato Marketing Improvement Committee.

2. State loan interest rate. The interest rate for state loans shall be the interest rate for the issue of state general obligation bonds which immediately precede either the date of the loan commitment or the date of the loan closing, whichever is lower.

A fee for administrative costs, which shall be at a rate set by rule by the commissioner upon consultation with the Potato Marketing Improvement Committee, but which rate shall not exceed 1% of the loan, shall be charged on all loans made for projects, the total cost of which exceeds \$50,000. This fee shall be deposited in the fund.

Sec. 5. Transition. Any member serving on the Potato Marketing Improvement Committee on the effective date of this Act shall continue to serve until new appointments are made pursuant to the Maine Revised Statutes, Title 7, section 314. New appointments to that committee shall be made within 30 days of the effective date of this Act. Nothing in this Act prohibits a member on the committee from being reappointed.

Effective September 29, 1987.

CHAPTER 320

H.P. 1118 — L.D. 1521

AN ACT to Clarify the Definition of Intermittent State Employees.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the present definition of intermittent state employees under Title 5, section 7053, restricts use of these employees to a limit of 19 hours in any one week; and

Whereas, several departments of State Government occasionally require the use of intermittent employees for more than 19 hours a week in order to maintain basic services; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

5 MRSA §7053, sub-§1, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

1. Define intermittent positions. Define intermittent positions and shall in the definition limit the use of any position to employment for not more than 19 hours a