

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

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PUBLIC LAWS

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Sec. 17. 37-B MRSA §783, first ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

Each municipal, interjurisdictional, county and regional civil emergency preparedness agency, in consultation with the ~~bureau~~ agency, shall prepare and keep a current disaster emergency plan for the area subject to its jurisdiction. That plan shall include without limitation:

Sec. 18. 37-B MRSA §783, sub-§5, as enacted by PL 1983, c. 460, §3, is amended to read:

5. Other. Other elements required by ~~bureau~~ agency rule.

Sec. 19. 37-B MRSA §960, sub-§§1 and 2, as reallocated by PL 1983, c. 816, Pt. B, §14, are amended to read:

1. Emergency Planning Zone. The Emergency Planning Zone shall be designated by the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency by rule as the zone where specific evacuation plans are required to protect from exposure by the inhalation pathway. Unless changed by rule, the Emergency Planning Zone shall be the Emergency Planning Zone contained in the existing Emergency Radiological Preparedness Plan, with approximately a 10-mile radius around any nuclear power plant.

2. Ingestion Pathway Zone. The Ingestion Pathway Zone shall be designated by the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency by rule as the zone beyond the Emergency Planning Zone where protective action plans are required relative to the food chain. Unless changed by rule, the Ingestion Pathway Zone shall be a circle of a 50-mile radius centered on any nuclear power plant.

Sec. 20. 37-B MRSA §1051, 2nd ¶, as enacted by PL 1983, c. 460, §3, is amended to read:

No person, except the Federal Government, may exercise any authority over the emergency regulation or supervision of any dams or reservoirs in the State, where that exercise would conflict with the powers and authority vested in the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency.

Sec. 21. 37-B MRSA §1052, sub-§1, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

1. Agency. "Agency" means the Maine Emergency Management Agency.

Sec. 22. 37-B MRSA §1105, as enacted by PL 1983, c. 460, §3, is amended to read:

§1105. Project review

If practical, a representative from the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management

Agency shall be present during ice jam and debris removal operations. Information that may be useful in future ice jam and debris removal operations shall be recorded. A follow-up report on the specific measures employed and the effectiveness of the removal operation in abating public danger and damage by flood for each removal operation shall be formulated and maintained by the ~~bureau~~ agency.

Sec. 23. 38 MRSA §818, sub-§3, as enacted by PL 1983, c. 417, §6, is amended to read:

3. Other powers. No provision of this ~~Article~~ article may be construed as limiting the powers of the ~~Bureau of Civil Emergency Preparedness~~ Maine Emergency Management Agency under Title 37-A, sections 180 to 186.

Effective September 29, 1987.

CHAPTER 371

H.P. 1078 — L.D. 1465

AN ACT to Reestablish the Vehicle Rental Agency in the Department of Conservation.

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

Whereas, the Vehicle Rental Agency in the Department of Conservation is currently an operating, functioning program; and

Whereas, its present statutory authority established it on a pilot program basis to end on June 30, 1987, unless otherwise reenacted; and

Whereas, the state wishes this program to continue uninterrupted on an ongoing basis; 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:

Sec. 1. 12 MRSA §5031, sub-§3, as enacted by PL 1985, c. 453, is repealed and the following enacted in its place:

3. Fee structure. Fees for the rental and lease of vehicles shall be calculated to provide for reasonable vehicle replacement, repair and maintenance as well as provide sufficient working capital. Any revenues over expenditures and needed working capital shall be used to reduce fees.

Sec. 2. 12 MRSA §5031, sub-§4, as enacted by PL 1985, c. 453, is amended to read:

4. Vehicle fleet. The Commissioner of Conservation may transfer vehicles from existing department programs to the Vehicle Rental Agency.

Sec. 3. 12 MRSA §5031, sub-§§5 and 6, as enacted by PL 1985, c. 453, are repealed and the following enacted in their place:

5. Credits. The Vehicle Rental Agency shall develop a method of assigning credits to be used to reduce the charges to those programs from which vehicles are transferred to the Vehicle Rental Agency. These credits shall be calculated to assure adequate revenues to support the Vehicle Rental Agency and to reasonably compensate the programs.

6. Other departments and agencies. Other departments and agencies, including federal, county and municipal government agencies, may rent or lease vehicles from the Vehicle Rental Agency when vehicles are not being used by the Department of Conservation.

The department or agency heads may enter into agreements with the Vehicle Rental Agency, with the approval of the Commissioner of Conservation, to provide regular and ongoing vehicle rental and lease services and, in doing so, may transfer vehicles to the Vehicle Rental Agency. Credits shall be assigned to the departments or agencies in accordance with subsection 5.

The Vehicle Rental Agency may enter into a lease-purchase agreement for the purpose of acquiring suitable structures and grounds for the operation of the agency.

Sec. 4. 12 MRSA §5031, sub-§6-A is enacted to read:

6-A. Report requirement. The Commissioner of Finance shall evaluate the cost effectiveness of utilizing the "vehicle rental agency" concept for all of State Government and shall submit his findings, including legislation to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs by January 15, 1988.

Sec. 5. 12 MRSA §5032, as enacted by PL 1985, c. 453, is repealed.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>VEHICLE RENTAL AGENCY</u>		
Positions	(2)	(2)
Personal Services	\$ 40,095	\$ 41,809
All Other	62,525	70,787

Total \$102,620 \$112,596

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

Effective June 19, 1987.

CHAPTER 372

S.P. 594 — L.D. 1751

AN ACT to Establish an Exemption from the Waste Water Discharge Licensing Requirements for Owners and Operators of Marine Aquaculture Operations.

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

Whereas, the 90-day period may not terminate until the end of the summer; and

Whereas, aquaculture operations are already required to be licensed by the Department of Marine Resources; and

Whereas, the Department of Environmental Protection has received and continues to receive numerous applications from aquaculture operators for the licensing of activities that are more appropriately regulated by the Department of Marine Resources; and

Whereas, delays experienced by those applicants for waste water discharge licenses will constitute an undue hardship on aquaculture businesses; and

Whereas, review by the Department of Environmental Protection on any applications for the licensing of aquaculture operations received by the Department of Marine Resources assures that water quality protective measures will be fully considered; 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:

38 MRSA §413, sub-§2-E is enacted to read:

2-E. Exemption; aquaculture. No person may be considered in violation of this section if:

A. The discharge activity is associated with off-shore marine aquaculture operations in the estuarine and marine waters; and