

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
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1987

PUBLIC LAWS

OF THE

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sioner of Labor may appoint such employees as he deems necessary to carry out the State's responsibility under this section.

The Commissioner of Labor is authorized to promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, as may be necessary to carry out the State's responsibility under this section.

The council shall establish bylaws for its governance. Such bylaws shall be subject to the Governor's approval.

The council shall replace the Maine Job Training Council on or before July 1, 1987.

11. Compensation. Members of the council shall receive no compensation for their services. Reimbursement of necessary expenditures incurred in the performance of their duties on the council which are allowed by state law shall be administered by the Department of Labor with funds provided by the United States Job Training Partnership Act or other federal or state appropriations made pursuant thereto.

Effective September 29, 1987.

CHAPTER 472

S.P. 302 — L.D. 871

AN ACT to Increase the Threshold for Fuel Tax Licensing.

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

Sec. 1. 29 MRSA §246-A, sub-§2, as amended by PL 1985, c. 409, is repealed and the following enacted in its place:

§246-A. Fuel use identification decal

2. Vehicles requiring a fuel use identification decal. The following vehicles require a fuel use identification decal:

A. All motor vehicles or combination of vehicles propelled by internal combustion engines and registered for a gross weight in excess of 26,000 pounds, regardless of the type of the fuel used;

B. All motor vehicles or combination of vehicles propelled by internal combustion engines with 3 or more axles, regardless of registered weight or type of fuel used; and

C. All other motor vehicles propelled by internal combustion engines designed to carry 20 or more passengers, regardless of the number of axles, registered weight or type of fuel used.

Interstate bus operators shall be required to obtain this decal on the same prorated basis as is used to determine fuel used within the State. The number of buses that the state mileage factor represents of the entire fleet mileage shall be required to display the fuel use identification decal or be issued a certified statement that the appropriate fee has been paid.

Farm vehicles and farm motor trucks subject to a limited inspection, as provided in section 2506, subsection 5, are not required to have a fuel use identification decal pursuant to this section.

Operators of one-way rental vehicle fleets shall be required to obtain the fuel decal on the same basis as is used to determine the number of vehicles registered in this State. The number of one-way vehicles that this registration factor represents of the entire one-way rental fleet shall be required to display the fuel use identification decal.

Sec. 2. 36 MRSA §3202, sub-§9, as repealed and replaced by PL 1983, c. 862, §88, is repealed and the following enacted in its place:

9. User. "User" means any person who is the registered owner of a motor vehicle registered for a gross weight of more than 26,000 pounds, or which has 3 or more axles regardless of registered weight, or which is designed to carry 20 or more passengers, who uses and consumes special fuel within this State in an internal combustion engine for the generation of power to propel a motor vehicle.

Sec. 3. 36 MRSA c. 453, as amended, is repealed.

Sec. 4. Effective date. This Act shall take effect January 1, 1988.

Effective January 1, 1988.

CHAPTER 473

H.P. 1135 — L.D. 1545

AN ACT to Establish a State Cost-share Program for Salt and Sand Storage Facilities.

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

23 MRSA c. 19, sub-c. VII is enacted to read:

SUBCHAPTER VII

SALT AND SAND STORAGE FACILITIES

§1851. State cost-share program for salt and sand storage facilities

The department may administer bond issue funds for

the construction of municipal or county salt and sand storage facilities in order to reduce salt pollution of ground and surface waters. Any bonds issued under this section shall be paid for out of the Highway Fund. In administering these funds, the department shall provide reimbursement to municipal and county governmental entities for approved projects according to the order of priority established biannually by the Department of Environmental Protection. Allocation of funds shall be based upon 1.25 times the ratio of miles of state and state-aid roads maintained for winter maintenance, as described in sections 1001 and 1003, to all miles maintained for winter maintenance by the municipality, quasi-municipal agency or county. The department shall establish guidelines to reimburse eligible local government entities in a consistent and timely manner.

The department shall review and approve plans and specifications for salt and sand storage facilities prior to issuing any reimbursements. The review shall be in accordance with the guidelines for the design and construction established by the Department of Environmental Protection for these facilities and in accordance with the guidelines established by the department with respect to facility size.

The department may reimburse municipal and county government entities for expenses incurred for the construction of salt and sand storage facilities constructed in compliance with Private and Special Law 1985, chapter 121, provided that the plans for the facilities receive approval from the department. These reimbursements shall be made based on the priority established by the Department of Environmental Protection.

Reimbursable expenses under this section do not include land acquisition or debt service.

Effective September 29, 1987.

CHAPTER 474

H.P. 1335 — L.D. 1825

AN ACT Concerning the Use of Tributyltin as an Antifouling Agent.

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

38 MRSA §419-A is enacted to read:

§419-A. Prohibition on the use of tributyltin as an antifouling agent

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Acceptable release rate" means a measured release rate equal to or less than 3.0 micrograms per

square centimeter per day at steady state conditions determined in accordance with the United States Environmental Protection Agency testing procedure, as outlined in the agency's call-in notice of July 29, 1986, on tributyltin in antifouling paints under the United States Insecticide, Fungicide and Rodenticide Act.

B. "Antifouling paint" means a compound, counting, paint or treatment applied or used for the purpose of controlling freshwater or marine fouling organisms on vessels.

C. "Commercial boatyard" means:

(1) A facility that engages for hire in the construction, storage, maintenance, repair or refurbishing of vessels; or

(2) An independent marine maintenance contractor who engages in any of the activities listed in subparagraph (1).

D. "Trap dip" means a liquid antifouling agent or preservative with which wooden lobster traps are treated.

E. "Tributyltin compound" means any organotin compound that has 3 normal butyl groups attached to a tin atom, with or without an anion, such as chloride, fluoride or oxide.

F. "Vessel" means a watercraft or other conveyance used as a means of transportation on water, whether self-propelled or otherwise. This definition includes barges and tugs.

2. Prohibition on use. Prohibition on use includes the following.

A. Except as provided in subsection 3, a person may not distribute, possess, sell, offer for sale, apply or offer for application any antifouling paint or trap dip containing a tributyltin compound.

B. No person may distribute, possess, sell, offer for sale, apply or offer for application any substance that contains a tributyltin compound in concentrated form that is labeled for mixing with paint or solvents to produce an antifouling paint for use on vessels, wooden lobster traps, fishing gear for marine waters, floats, moorings or piers.

C. The Board of Pesticides Control shall be the enforcement agency for this section. The board shall make available a list of paints with acceptable tributyltin release rates by January 1, 1988.

D. This section shall take effect on January 1, 1988.

3. Exceptions. Exceptions to the prohibition are as follows.