

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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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.

A. A person may distribute or sell an antifouling paint containing a tributyltin compound with an acceptable release rate to the owner or agent of a commercial boatyard. The owner or agent of a commercial boatyard may purchase, possess and apply an antifouling paint containing tributyltin compounds with an acceptable release rate, if the antifouling paint is applied only within a commercial boatyard and is applied only to vessels exceeding 25 meters in length or that have aluminum hulls.

B. This section does not prohibit the sale, application or possession of an antifouling paint containing a tributyltin compound, if the antifouling paint is in a spray can of 16 ounces or less, is commonly referred to as an outboard or lower drive unit paint and has an acceptable release rate.

Effective September 29, 1987.

CHAPTER 475

H.P. 1336 — L.D. 1826

AN ACT to Revise the Laws Concerning Transportation by Water in Casco Bay and to Study Related Issues.

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

Sec. 1. 23 MRSA §4406 is enacted to read:

§4406. Radar requirements on vessels operating in Casco Bay

1. Radar device required. Every person, firm or corporation engaged in the transport of 6 or more passengers by vessel, for compensation, between or among the islands of Casco Bay and the mainland, shall provide an operable radar device on each vessel operated by the person or corporation which carries 6 or more passengers and shall provide a person qualified to operate the radar device in accordance with all federal regulations relating to the operation of federally licensed passenger carrying vessels.

2. Standards; promulgation; enforcement; penalty. The Department of Transportation shall adopt rules relating to the use and installation of radar devices in the vessels referred to in section 4410. These rules shall include, but not be limited to, the specification of standards for the radar devices to be carried by the vessels and the qualifications of those persons responsible for the proper operation of the radar devices. Until those rules are adopted, the rules previously adopted by the Public Utilities Commission shall remain in effect.

Sec. 2. 35-A MRSA Pt. 5, as enacted by PL 1987, c. 141, §6, is amended to read:

PART 5

WATERBORNE TRANSPORTATION

CHAPTER 51

REGULATION OF FERRIES IN CASCO BAY

§5101. Franchise of Casco Bay Island Transit District and others

No person, except for the Casco Bay Island Transit District, created by Private and Special Law 1981, chapter 22, may, directly, by lease or other arrangement transport passengers or property by vessel, for compensation, between the mainland of Cumberland County and Peak's Island, Great Diamond Island, Little Diamond Island, Long Island, Chebeague Island, ~~Bailey Island~~ or Cliff Island, or between the islands mentioned in this paragraph, without obtaining a certificate of public convenience and necessity from the commission authorizing the transportation. ~~Any~~ The district and any person who must obtain a certificate is a ferry are ferries subject to the jurisdiction of the commission with respect to the service which requires authority. The commission shall specify in the certificate the business and operation of the ferry and shall attach to it at the time of issuance and from time to time after issuance reasonable terms, conditions and limitations as it determines necessary to maintain adequate transportation to these islands. The Casco Bay Island Transit District may assign or subcontract to another person any service for which it has a franchise.

§5102. Application of this Title

All ferries are subject to this Title and to the orders and rules adopted and promulgated by the commission under the authority of this Title, provided that ferries are not subject to the jurisdiction of the commission with respect to safety.

1. Authority over ferries. All ferries are subject to this Title and to the orders and rules adopted and promulgated by the commission under the authority of this Title, provided that ferries are not subject to the jurisdiction of the commission with respect to safety.

2. Emergency. Persons providing emergency transportation under this Title are not public utilities subject to the jurisdiction of the commission.

§5103. Service, rates and schedules

All ferries shall maintain reasonable and adequate service, rates and schedules to the islands of Casco Bay as set out in section 5101 under rules promulgated by the commission as to rates and schedules.

1. Rates. The rates for transportation of property established by the commission's rules shall be comparable to rates established for the comparable services of other authorized ferries in the State.