

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

ators in the State compiled by geographic regions and Maine-licensed hazardous waste transporters who serve those regions.

Sec. 28. Allocation. The following funds are allocated from the Maine Coastal and Inland Surface Oil Clean-up Fund to carry out the purposes of section 26 of this Act.

	1987-88	1988-89
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>		
Maine Coastal and Inland Surface Oil Clean-up Fund		
Positions	(1)	(1)
Personal Services	\$29,642	\$31,047
All Other	20,358	18,953
Capital Expenditures	1,000	1,000
Total	\$51,000	\$51,000

Sec. 29. Allocation. The following funds are allocated from the Hazardous Waste Fund to carry out the purposes of section 27 of this Act.

	1987-88	1988-89
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>		
Hazardous Waste Fund		
Positions	(1)	(1)
Personal Services	\$29,642	\$31,047
All Other	20,358	18,953
Capital Expenditures	1,000	1,000
Total	\$51,000	\$51,000

Sec. 30. Authorization for carry-over. The Legislature authorizes the Department of Environmental Protection to carry over until June 30, 1988, funds appropriated for fiscal year 1985-86 from the General Fund pursuant to Public Law 1985, chapter 501, Part A, §1, to the Bureau of Water Quality Control for a technical assistance program to municipalities for assessing development impacts on local ground water resources.

Effective September 29, 1987.

CHAPTER 492

H.P. 1278 — L.D. 1749

AN ACT to Establish a Compliance Schedule for Owners and Operators of Salt Storage Areas.

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

38 MRSA §451-A, sub-§1-A is enacted to read:

1-A. Time schedule for salt and sand-salt storage pro-

gram. An owner or operator of a salt or sand-salt storage area is not in violation of any ground water classification or reclassification adopted on or after January 1, 1980, at any time prior to October 1, 1996, with respect to discharges to the ground water from those facilities, if by that time the owner or operator has completed all steps then required to be completed by the schedules set forth in this subchapter. The department shall administer this schedule according to the project priority list adopted by the board pursuant to section 411 and the provisions of this subsection.

A. Preliminary plans and engineers' estimates shall be completed and submitted to the Department of Transportation by the following dates:

- (1) For Priority 1 and 2 projects — January 1989;
- (2) For Priority 3 project — January 1990;
- (3) For Priority 4 project — January 1991; and
- (4) For Priority 5 project — January 1992.

B. Arrangements for administration and financing shall be completed within 12 months of the dates established in paragraph A for each priority category.

C. Detailed engineering and final plan formulation shall be completed within 24 months of the dates established in paragraph A for each priority category.

D. Review of final plans with the Department of Transportation shall be completed and construction commenced within 36 months of the dates established in paragraph A for each priority category. The Department of Transportation shall consult with the department in reviewing final plans.

E. Construction shall be completed and in operation on or before January 1, 1996.

In no case shall violations of the lowest ground water classification be allowed. In addition, no violations of any ground water classifications adopted after January 1, 1980, may be allowed for more than 3 years from the date of an offer of a state grant for the construction of those facilities or after January 1, 1996, whichever is earlier.

The board shall not issue time schedule variances under subsection 1 to owners or operators of salt or sand-salt storage areas.

An owner or operator of a salt or sand-salt storage area who is in compliance with this section is exempt from the requirements of licensing under section 413, subsection 2-D.

An owner or operator is not in violation of a schedule established pursuant to this subsection if the owner or operator is eligible for a state grant to implement the

schedule and the state grant is not available.

Effective September 29, 1987.

CHAPTER 493

H.P. 1081 — L.D. 1472

AN ACT to Amend Maine's Radiation Protection Law.

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

Sec. 1. 22 MRSA §673, sub-§4, as enacted by PL 1983, c. 345, §§13 and 14, is amended to read:

4. Decommissioning. "Decommissioning" means the series of activities undertaken beginning at the time of closing of a nuclear power plant or other facility licensed by the United States Nuclear Regulatory Commission or the department to ensure that the final disposition of the site or any radioactive components or material, but not including spent fuel, associated with the plant is accomplished safely in compliance with all applicable state and federal laws. Decommissioning includes activities undertaken to prepare a nuclear power plant or other facility for final disposition, to monitor and maintain it after closing and to effect final disposition of any radioactive components of the nuclear power plant or facility.

Sec. 2. 22 MRSA §673, sub-§8, as enacted by PL 1983, c. 345, §§13 and 14, is repealed and the following enacted in its place:

8. Low-level radioactive waste. "Low-level radioactive waste" means radioactive material that:

A. Is not high-level radioactive waste, spent nuclear fuel, transuranic waste or by-product material as defined in the United States Code, Title 42, Section 2014(e)(2), the Atomic Energy Act of 1954, Section 11e(2); and

B. The United States Nuclear Regulatory Commission, consistent with existing law and in accordance with paragraph A, classifies as low-level radioactive waste.

Sec. 3. 22 MRSA §673, sub-§8-A is enacted to read:

8-A. Person. "Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency of this State, political subdivision of this State, any other state or political subdivision or agency of a state or political subdivision and any legal successor, representative, agent or agency of the state or political subdivision or agency, but not including Federal Government agencies.

Sec. 4. 22 MRSA §674, sub-§4, as enacted by PL 1983, c. 345, §§13 and 14, is amended to read:

4. Authority. The department shall, for the protection of the public health and safety:

A. Develop ~~Develop~~ Shall develop programs for the evaluation and control of hazards associated with use of sources of radiation;

B. Develop ~~Develop~~ Shall develop programs with due regard for compatibility with federal programs for regulation of by-product, source and special nuclear materials;

C. Develop ~~Develop~~ Shall develop programs with due regard for consistency with federal programs for regulation of radiation generating equipment;

D. Formulate ~~Formulate~~ Shall formulate, adopt, promulgate and repeal codes and rules, which may provide for licensing or registration, relating to control of sources of radiation with due regard for compatibility with the regulatory programs of the Federal Government; ;

Promulgate such rules in addition to the rule specified in this paragraph as are appropriate to carry out the purposes of this Act, including, but not limited to, rules concerning acquisition, ownership, possession and use of radioactive materials or devices or equipment utilizing radioactive material; ;

E. Issue ~~Issue~~ Shall issue such orders or modifications thereof as may be necessary in connection with proceedings under section 677;

F. Advise ~~Advise~~ Shall advise, consult and cooperate with other agencies of the State, Federal Government, other states and interstate agencies, political subdivisions and other organizations concerned with control of sources of radiation;

G. May accept and administer loans, grants or other funds or gifts, conditional or otherwise, in furtherance of its functions, from the Federal Government and from other sources, public or private;

H. Encourage ~~Encourage~~ Shall encourage, participate in, or conduct studies, investigations, training, research and demonstrations relating to control of sources of radiation; and

I. Collect ~~Collect~~ Shall collect and disseminate information relating to control of sources of radiation, including:

(1) Maintenance of a file of all license applications, issuances, denials, amendments, transfers, renewals, modifications, suspensions and revocations;

(2) Maintenance of a file of registrants possessing sources of radiation requiring registration under this Act and any administrative or judicial action pertaining thereto; and

(3) Maintenance of a file of all of the department's rules relating to regulation of sources of radiation,