

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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If a state, district or country requires a permit or charges residents of this State any fee for transportation exempted under this subsection, the bureau shall require a permit and charge fees as required by this chapter.

If any state, district, province or country prohibits, in any way, the transportation of wood, pulpwood or logs from that state, district, province or country to this State, or by law, regulation or rule requires a citizen of this State to establish citizenship, a residence or place of business or to register a business in that state, district, province or country in order to transport wood, pulpwood or logs from that state, district, province or country to this State, similar provisions shall apply to residents of that state, district, province or country who transport wood, pulpwood or logs from this State to that state, district, province or country. The limitations provided in this section shall not apply to the sale of sawlogs and pulpwood, but shall apply to the transportation and methods of transportation of sawlogs and pulpwood.

Any sawlogs and pulpwood harvested on lands owned by the State may be transported without the limitations provided by this section where the limitations are based solely on the source of the sawlogs and pulpwood being state-owned lands, if, for lands administered by the Department of Conservation, the Commissioner of Conservation consents to the transport; or, for lands administered by the Baxter State Park Authority, the authority consents to the transport. Such consent shall be given where it is necessary to avoid severe economic hardship or to avoid the disruption of land management plans.

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

Effective October 19, 1987.

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## CHAPTER 556

H.P. 1411 — L.D. 1913

### AN ACT to Amend the Comprehensive Protection for Ground Water Law.

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

38 MRSA §568, sub-§2, as repealed and replaced by PL 1987, c. 491, §15, is amended to read:

2. Restoration of water supplies. The department may clean up any discharge of oil and take temporary and permanent remedial actions at locations threatened or affected by the discharge of oil, including restoring or replacing water supplies contaminated or threatened by oil, petroleum products or their by-products, using the most cost-effective alternative that is technologically feasible and reliable and which effectively mitigates or minimizes damage to and provides adequate protection

of the public health, welfare and the environment. When the remedial action taken includes the installation of a public water supply, the fund may be used to pay costs of operation ~~and~~, maintenance and depreciation of the water supply for a period not exceeding 5 20 years. The department shall consult with the affected party prior to selecting the alternative to be implemented.

Effective January 9, 1988.

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## CHAPTER 557

H.P. 1398 — L.D. 1896

### AN ACT to Prevent any Landfill from being Constructed Over or Near an Aquifer, to Maintain Regional Landfills and to Clarify the Intent of the Solid Waste Law.

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

Whereas, pending applications for landfills may pose a serious risk to ground water quality and public health; and

Whereas, changes in the solid waste disposal market and in the ownership of existing landfills may threaten established patterns of regional use of existing landfills; and

Whereas, these landfills were originally sited and approved specifically to provide long-term solutions to the solid waste disposal needs of regional towns and businesses; and

Whereas, disruption of these patterns of regional use will injure the citizens and businesses of the State that currently rely on those landfills through an increase in their disposal costs and the siting of additional landfill capacity in areas which are marginally suitable for those activities; 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.** 38 MRSA §1310-N, sub-§2-A is enacted to read:

2-A. Aquifer protection. The board shall not issue a license for a solid waste disposal facility when it finds that the proposed facility overlies a significant sand and gravel aquifer or when the board finds that the proposed