

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.

Twin City Printery
Lewiston, Maine
1988

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

Sec. 11. 30 MRSA §5183-A is enacted to read:

§5183-A. Regulations; reports

1. Rules. The Department of Environmental Protection and the bank may adopt such rules and policies as necessary to implement the provisions of sections 5165-A and 5171-A in order to ensure the self-sustaining nature of the fund created under section 5171-A, and also to ensure compliance with the requirements of the Federal Water Pollution Control Act, Title VI.

2. Contractual authority; reports. The Department of Environmental Protection and the bank may enter into agreements and shall provide notice pursuant to this subsection.

A. The Department of Environmental Protection and the bank may enter into agreements on behalf of the State with agencies of the United States as may be necessary to obtain grants and awards in furtherance of the stated purposes for which the revolving loan fund created under section 5171-A is established and take all other actions necessary to comply with the requirements of the Federal Water Pollution Control Act, Title VI; provided that notification of each of the agreements is made in a timely fashion to the Governor.

B. Annually, the Department of Environmental Protection and the bank shall notify the Governor of the amount of the fund created under section 5171-A anticipated to be available for the next fiscal year.

C. The bank is designated by the State as the instrumentality empowered to administer the revolving loan fund in conjunction with the Department of Environmental Protection to accept capitalization grants made under the Federal Water Pollution Control Act, Title VI, and to manage the revolving loan fund in accordance with the requirements of that Act.

Sec. 12. 38 MRSA §411, first ¶, as amended by PL 1987, c. 502, §1, is further amended to read:

The department may pay an amount not to exceed 45% 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The department may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30, section 5171-A. The department may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 so as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant

each year, except that the department may pay up to 50% of the expense of individual projects serving seasonal dwellings or commercial establishments. The application for a grant under this paragraph for a project serving a single-family dwelling, including outbuildings, or a single commercial establishment, shall include a signed statement of the financial condition of the owner of the single-family dwelling or commercial establishment describing the need for the grant. That statement will become part of the application record and no further evidence of need will be required.

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

Effective April 21, 1988

CHAPTER 752

H.P. 1797 — L.D. 2461

AN ACT to Prohibit the Sale of Polystyrene Foam Products Containing or Made with Certain Chlorofluorocarbons.

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

Sec. 1. 38 MRSA §1310-K, sub-§1, ¶¶D and E, as enacted by PL 1987, c. 517, §25, are amended to read:

D. The categories of industrial waste which present opportunities for reuse; ~~and~~

E. Opportunities to reduce waste quantities by reducing generation at the source; and

Sec. 2. 38 MRSA §1310-K, sub-§1, ¶F is enacted to read:

F. The impact of nonbiodegradable polystyrene foam products on landfill space.

Sec. 3. 38 MRSA §1603 is enacted to read:

§1603. Polystyrene foam products

1. Prohibition on extruded polystyrene foam sheets. After January 1, 1989, no person may sell or offer to sell in this State any product composed in whole or in part of thermoformed extruded polystyrene foam sheets if the foam is manufactured using any fully halogenated chlorofluorocarbon found by the United States Environmental Protection Agency to be an ozone-depleting chemical.

2. Prohibition on extruded polystyrene foam board. No person may sell or offer to sell in this State any product composed in whole or in part of extruded polystyrene foam board if:

A. The foam is manufactured using any fully halogenated chlorofluorocarbons found by the United States Environmental Protection Agency to be an ozone-depleting chemical; and

B. A substitute for fully halogenated chlorofluorocarbon blowing agents is available and found to meet public health and safety standards by all applicable federal and state agencies.

3. Compliance. All distributors engaged in the sale or distribution of extruded polystyrene foam products in Maine which are manufactured using chlorofluorocarbons shall certify to the Department of Environmental Protection by January 31, 1989, their compliance with subsection 1, or their scheduled compliance with subsection 2.

Effective August 4, 1988.

CHAPTER 753

H.P. 1584 — L.D. 2162

AN ACT to Amend the Regulation of Lobster Parts.

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

Sec. 1. 12 MRSA §6858, sub-§5-B is enacted to read:

5-B. Exception for certain packages. This section shall not apply to frozen or canned lobster meat if the person possessing it:

A. Is not the first person offering it for sale in this State and maintains records indicating from whom the lobster meat was purchased; and

B. Did not pack the container or know that it contains lobster meat in violation of subsection 1 or 2.

Sec. 2. 12 MRSA §6862, sub-§5, as reenacted by PL 1985, c. 805, is amended to read:

5. Report; repeal. The department shall report in writing to the joint standing committee of the Legislature having jurisdiction over marine resources on the activities conducted under this section. The report shall be submitted no later than January 15, 1988 January 1, 1989. This section is repealed on August 1, 1988 March 1, 1989.

Effective August 4, 1988.

CHAPTER 754

H.P. 1618 — L.D. 2211

AN ACT to Improve the Potato Marketing Improvement Fund.

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

Whereas, provisions of this bill are urgently needed both as an enforcement tool and to protect the integrity of the Maine Bag Program; 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. 7 MRSA §973, as amended by PL 1987, c. 319, §2, is further amended to read:

§973. Potato Marketing Improvement Fund

There is created a fund to be known as the Potato Marketing Improvement Fund, to which shall be credited all funds received by the commissioner from any source for the development and implementation of an improved storage, packing and marketing program. Any money credited to the Potato Marketing Improvement Fund from the issuance of bonds on behalf of the State for agricultural development shall be used only for the purposes of state loans as prescribed by section 974-A, to provide assistance to farmers ~~on technical aspects of the design and construction~~ for the design, construction, improvement, support and operation of storage, packing and marketing facilities and to pay the administrative costs of processing loan applications, to the extent that the costs exceed the fee for administrative costs established by section 974-A, subsection 2. Repayment of these loans and interest thereon shall be credited to the Potato Marketing Improvement Fund to be available for making additional state loans for the same purposes.

A purchaser of a modern storage facility which was previously financed with a state loan from the Potato Marketing Improvement Fund may receive a loan under the conditions of this section. Mortgages obtained from the fund may be assumed by subsequent purchasers of the property. The department shall promulgate rules concerning the purchase of existing buildings. These rules shall include provisions that ensure that such purchases are in keeping with the purposes and intent of this article and of Private and Special Law 1981, chapters 65 and 75. They shall also include a definition of a modern storage facility.

Sec. 2. 7 MRSA §974-A, sub-§2, as enacted by PL 1987, c. 319, §4, is repealed and the following enacted in its place: