

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
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of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

B. Notwithstanding the requirements of section 4552, subsection 18, mortgage loans made or assisted with money from the fund may be secured by a mortgage which does not constitute a first lien.

C. If any money in the Housing Opportunities for Maine Fund is used in conjunction with or as part of the issuance of any mortgage purchase bonds and the proceeds of the bonds are allocated by the state authority to assist in the acquisition of housing, the state authority may require that the purchaser of the housing make a minimum down payment in an amount determined by the state authority; except that any such requirement shall not apply to mortgage loans insured or guaranteed by the United States Veterans Administration, the Federal Housing Administration or any other agency of the Federal Government that allows for a lesser down payment than that required by the state authority. The state authority may not limit the maximum down payment that may be required.

Sec. 4. 30 MRSA §4762, as amended by PL 1985, c. 151, §11, is further amended to read:

§4762. Limitations

The state authority shall not at any time have, in the aggregate principal amount thereof outstanding, mortgage purchase bonds in excess of ~~\$635,000,000~~ \$885,000,000 secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4761, subsection 4 applies. Mortgage purchase bonds of the state authority secured by capital reserve funds to which section 4761, subsection 4, does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement or guaranty with a banking or other financial organization, or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount not to exceed \$300,000,000. Mortgage purchase bonds shall be rated at or before issuance of the bonds in a rating category of A or its equivalent or better by a nationally recognized rating agency. A rating is not necessary for any issue or mortgage purchase bonds which is not subject to section 4761, subsection 4, and which is sold in its entirety to one or more financial institutions, insurance companies or similar finance entities for its own account and not with the present intention of resale.

Effective August 4, 1988.

CHAPTER 762

H.P. 1562 — L.D. 2129

AN ACT to Prohibit the Release of Dioxins in any State Rivers, Streams or Lakes.

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

Sec. 1. 38 MRSA §420-A is enacted to read:

§420-A. Dioxin monitoring program

In order to determine the nature of dioxin contamination in the waters and fisheries of the State, the department shall conduct a one-year monitoring program as described in this section.

1. Dioxin defined. As used in this section, the term "dioxin" means any polychlorinated dibenzo-para-dioxins, PCDD's, and any polychlorinated dibenzo-para-furans, PCDF's.

2. Monitoring locations and subjects. The department shall:

A. Select a representative sample of wastewater treatment plant sludges from municipal wastewater treatment plants and bleached pulp mills. These facilities shall be selected on the basis of known or likely dioxin contamination of their discharged effluent. The total number of facilities shall not exceed 12;

B. Sample and test the sludge of these facilities for dioxin contamination at least once during each season of the year. The department shall specify which congeners of dioxin will be analyzed; and

C. Sample and test for dioxin contamination a selection of fish representative of those species present in the receiving waters. Sufficient numbers of fish will be analyzed to provide a reasonable estimate of the level of contamination in the population of each water body affected.

3. Coordination of monitoring. The commissioner shall coordinate the monitoring program established under this section with other dioxin monitoring programs conducted by the department, the United States Environmental Protection Agency or dischargers of wastewater. The commissioner shall seek to integrate the results of these other programs, as relevant, into the reports required by this section.

4. Report. The department shall report by December 1, 1990 on the results of the monitoring program to the joint standing committee of the Legislature having jurisdiction over natural resources. The final report shall contain the department's conclusions as to the levels of dioxin contamination in the sample subjects and the likely scope of dioxin contamination in the State's waters.

5. Fees assessed. The commissioner shall assess the selected facilities for the costs of sample collection and analysis. Fees received under this section shall be credited to the Maine Environmental Protection Fund. Payment of these fees is a condition of the discharge license issued under this Title for continued operation of the selected facilities.

Sec. 2. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

	<u>1987-88</u>
Water Quality Control	
Personal Services	\$ 9,000
All Other	185,000
 Total	 <u>\$194,000</u>

Provides funds to conduct the dioxin monitoring program in Maine rivers. The "All Other" allocation provides for lab fees.

Effective August 4, 1988.

CHAPTER 763

S.P. 939 — L.D. 2477

AN ACT Concerning the Storage, Use and Transportation of Hazardous Chemicals.

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

Whereas, hazardous materials are in widespread use throughout the State; and

Whereas, accidental release of these materials may pose serious health and environmental hazards; and

Whereas, specialized handling procedures and efficient evacuation plans are essential to respond to these releases; 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. 5 MRSA §12004, sub-§8, ¶A, sub-¶(9-B) is enacted to read:

(9-B)	<u>Environment/ Natural Resources</u>	<u>State Emergency Response Commission</u>	<u>Not Authorized</u>	<u>22 MRSA §1696-H</u>
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Sec. 2. 22 MRSA c. 271, sub-c. III is enacted to read:

SUBCHAPTER III

EMERGENCY RESPONSE PLANNING

§1696-G. Findings; purpose

The Legislature finds that storage, use and transportation of hazardous chemicals in the State pose a risk of accidental release into the environment and that these releases endanger public health and safety. This subchapter establishes a comprehensive program for emergency response to releases of hazardous and toxic chemicals which threaten public health and safety. This subchapter is intended to be consistent with and facilitate implementation of the provisions of the United States Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499.

§1696-H. State Emergency Response Commission

1. Commission established. The State Emergency Response Commission, as established by Title 5, section 12004, shall be responsible for overseeing the implementation of a comprehensive program of planning and training for effective emergency response to releases of hazardous chemicals. The commission is composed of 9 to 11 members as follows:

- A. The Commissioner of Environmental Protection or the commissioner's designee;
- B. The Commissioner of Human Services or the commissioner's designee;
- C. The Director of the Division of Disease Control, Department of Human Services;
- D. The Commissioner of Transportation or the commissioner's designee;
- E. The Director of the Maine Emergency Management Agency, who shall serve as chairman;
- F. The Chief of the State Police;
- G. A representative, appointed by the Governor, of the Maine Fire Chiefs Association;
- H. A representative, appointed by the Governor, of municipal government; and
- I. A representative, appointed by the Governor, of private commerce and industry.

The Governor may appoint up to 2 additional members to represent the general public. All members appointed by the Governor to serve on the commission shall serve for a term of 4 years.

2. Powers and duties. The general duties of the commission are:

- A. To designate emergency planning districts to facilitate implementation of emergency response plans;