

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

1987-88

ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF

Water Quality Control

Personal Services	\$ 9,000
All Other	185,000

Total	\$194,000
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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)	Environ- ment/ Natural Resources	State Emergency Response Commission	Not Authorized	22 MRSA §1696-H
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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;

B. To provide for the necessary appointment of local emergency response planning committees;

C. To supervise and coordinate local emergency response planning committee activities;

D. To review emergency response plans developed by the local committees;

E. To receive chemical spill notifications required pursuant to state law and the provisions of the United States Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499;

F. To provide the public with information upon request, consistent with the provisions of state and federal law, on emergency response plans, potential hazards and safety;

G. To monitor, observe, participate in and review certain emergency drills and exercises;

H. To review and monitor hazardous materials training programs in the State;

I. To conduct joint emergency operations from the State Emergency Operations Center; and

J. To undertake any other actions necessary to accomplish the purposes of this subchapter.

**Sec. 3.** 26 MRSA §1715, sub-§2, as enacted by PL 1983, c. 823, §2, is amended to read:

**2. Schedule for information and training program.** The information and training shall commence prior to an employee's initial assignment. Additional instruction shall be provided whenever chemicals or processes change or newly acquired information indicates the need for additional protective measures. A refresher training course shall be held for all employees at least once a year. Programs shall be conducted during the employee's regular working hours.

**Sec. 4. Implementation study.** The State Emergency Response Commission shall prepare recommendations for the complete implementation of the United States Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499, and submit those recommendations to the Joint Standing Committee on Energy and Natural Resources no later than January 1, 1989. The recommendations may be in statutory form and shall include provisions for the following:

1. Notification of releases. The requirements and procedures for notification of releases of hazardous chemicals;

2. Submission of information. Procedures for the submission to local officials and the public of information on hazardous chemicals, including the type, quantity and location of the chemicals;

3. Reporting. Periodic reporting to state and local officials and to the public on releases of hazardous chemicals; and

4. Other subjects. Any other subjects required for full implementation of the United States Emergency Planning and Community Right-to-Know Act of 1986, Public Law 99-499.

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

Effective April 22, 1988.

## CHAPTER 764

H.P. 1706 — L.D. 2343

### AN ACT to Ensure Local Participation on the Radiological Emergency Preparedness Committee.

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

Whereas, as a result of the expansion of the Emergency Planning Zone, there has been a dramatic increase in the need for planning and response in the event of an emergency at the Maine Yankee Nuclear Power Plant; and

Whereas, the expanded planning base has resulted in the inclusion of persons who have not been previously involved; 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:

**37-B MRSA §954, sub-§1,** as repealed and replaced by PL 1985, c. 737, Pt. A, §107, is repealed and the following enacted in its place:

**1. Created.** There is created the Radiological Emergency Preparedness Committee, as established by Title 5, section 12004, subsection 10, which is composed of 10 voting members as listed in this subsection:

A. Three members shall be appointed by the Lincoln County Commissioners as follows:

(1) One representative of Lincoln County fire departments;

(2) One representative of Lincoln County ambulance service personnel; and