

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

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

(3) One representative of Lincoln County law enforcement agencies;

B. Three members shall be appointed by the Sagadahoc County Commissioners as follows:

(1) One representative of Sagadahoc County fire departments;

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

(3) One representative of Sagadahoc County law enforcement agencies;

C. One member representing the Maine Yankee Nuclear Power Plant;

D. The Director of the Maine Emergency Management Agency, who shall act as chairman;

E. The Commissioner of Public Safety; and

F. The Director of Health Engineering.

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

Effective April 22, 1988.

CHAPTER 765

H.P. 1671 — L.D. 2289

AN ACT to Prohibit the Establishment of Docking Condominiums on Tidewaters, Lakes and Great Ponds.

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

Sec. 1. 12 MRSA §558-A, sub-§2, ¶A, as enacted by PL 1983, c. 819, Pt. A, §10, is amended to read:

A. For fill, permanent causeways, bridges, marinas, wharves, docks, pilings, moorings or other permanent structures:

(1) The director shall charge the lessee a base rent that practically approximates the fair market rental value of the land;

(2) The director may adjust the base rent, decreasing it for desirable uses or increasing it for undesirable ones. In determining the desirability of uses, the director shall consider the extent to which the use does not impair the future use of the submerged or intertidal land for fishing, fowling or navigation, needs to be located on the submerged land, and exploits natural renewable resources of the water;

(3) The director may revalue rents every 5 years.

For leases entered into before and after July 1, 1984, rents shall not exceed 4¢ per square foot increased by 10% cumulatively for each year that has elapsed since July 1, 1984, further adjusted by the cumulative increase in the United States Consumer Price Index. Notwithstanding this limit, if an appraisal of the value of the land under a new or existing lease is performed, the director may charge a rent based on subparagraphs (1) and (2); and

(4) The director may also lease, for a period of not more than 5 years, a buffer zone of not more than 30 feet in width around a permanent structure located on submerged or intertidal land, provided the lease is necessary to preserve the integrity and safety of the structure and the Commissioner of Marine Resources consents to that lease; ;

(5) No portion of any existing or proposed lease may be subleased after August 1, 1988, for a period of time of more than 5 years for the purpose of providing berthing space for any boat or vessel. This subparagraph shall not apply to any existing sublease or assignments thereof or to any subleasing plan or arrangement approved by the director prior to April 15, 1988. This subparagraph is repealed 91 days after the adjournment of the First Regular Session of the 114th Legislature; and

(6) The director may grant the proposed lease if the director finds that, in addition to any other findings that the director may require, the proposed lease:

(a) Will not unreasonably interfere with navigation;

(b) Will not unreasonably interfere with fishing or other existing marine uses of the area; and

(c) Will not unreasonably diminish the availability of services and facilities necessary for commercial marine activities.

This subparagraph is repealed 91 days after the adjournment of the First Regular Session of the 114th Legislature.

Sec. 2. Study of submerged lands leasing policy. The Director of the Bureau of Public Lands, in cooperation with the State Planning Office and the Department of Marine Resources, shall conduct a comprehensive study of its policies and procedures for the leasing of submerged state lands.

1. Study topics. In addition to any other topics the director determines to be important, the study shall include consideration of the following topics:

A. The adequacy of current lease fee schedules to yield a fair rate of return for the State for the private use of submerged state lands;