

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

August 21, 1989 to August 22, 1989

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601.

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

Effective August 23, 1989.

CHAPTER 593

H.P. 1294 - L.D. 1787

An Act to Control the Installation of Underground Oil Tanks in the Shoreland Zone

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

Whereas, installation of underground oil storage tanks in close proximity to the surface waters of the State poses grave risks to water quality, the environment and public health; and

Whereas, remediation of underground oil contamination is substantially more expensive than prevention of this problem; 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 §564, sub-§1, ¶C, as amended by PL 1985, c. 626, §3, is further amended to read:

C. For new and replacement facilities in sensitive geologic areas or in the shoreland area, as defined in section 435, the owner shall install one of the following:

- (1) Secondary containment of all underground oil storage facility components;
- (2) Continuous electronic monitoring for free product in those monitoring wells installed in the excavated area around the tank or tanks, and additional wells with electronic monitoring to detect a leak or discharge of oil from the piping;
- (3) Continuous electronic monitoring in the unsaturated zone of all elements of the facility, using sufficient sampling points to detect

a leak or discharge of oil from any point in the facility; or

(4) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility; sufficiently sampled and tested that are sufficient to detect any discharge of oil or contamination of ground water from a facility.

Sec. 2. 38 MRSA §565, sub-§1, ¶D is enacted to read:

D. For new and replacement facilities in sensitive geologic areas or in the shoreland area, as defined in section 435, the owner shall install one of the following:

(1) Secondary containment of all underground oil storage facility components; or

(2) A reasonable number of monitoring wells located around the tank or around the perimeter of the facility sufficiently sampled and tested to detect any discharge of oil or contamination of ground water from a facility.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on September 15, 1989.

Effective September 15, 1989.

CHAPTER 594

H.P. 1296 - L.D. 1789

An Act Permitting the Issuance of Certain Pending Revenue Obligation Securities

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

Whereas, the Legislature recently enacted Public Law 1989, chapter 552, effective September 30, 1989, providing for certain amendments to the Finance Authority of Maine Act, including sections 16 and 17, pertaining to the issuance of revenue obligation securities backed by capital reserve funds; and

Whereas, the Finance Authority of Maine is preparing to issue revenue obligation securities to finance the costs of 6 manufacturing projects within the State; and

Whereas, bond counsel to the authority has determined that the amendments effected by Public Law 1989, chapter 552, sections 16 and 17, must be in effect in order