

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
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

for which a forfeiture of up to, but not more than \$1,000 may be adjudged. A person who violates the herbicide provisions of section 670 is subject to the penalties of Title 22, section 1471-J.

Sec. 4. 36 MRSA §574-B, sub-§1, as enacted by PL 1989, c. 555, §16, is amended to read:

1. Forest management and harvest plan. A forest management and harvest plan has been prepared for the parcel and updated every 10 years. The landowner shall file a sworn statement with the municipal assessor in a municipality or the State Tax Assessor for parcels in the unorganized territory that a management plan has been prepared for the parcel. A landowner with a parcel taxed pursuant to this subchapter ~~on the date of enactment of this provision~~ September 30, 1989 has until April 1, 1999, to comply with this requirement and may, upon request until the plan is prepared or April 1, 1999, whichever is earlier, will be subject to the applicability provisions until April 1, 1999, under this section as it existed on April 1, 1982;

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

Effective February 28, 1990.

CHAPTER 638

S.P. 780 - L.D. 2021

An Act to Amend the Laws Implementing, Administering and Enforcing the United States Emergency Planning and Community Right-to-Know Act of 1986

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

Whereas, there are railroad yards, truck depots and airports that routinely possess extremely hazardous substances on a temporary basis and these transportation storage points should be defined as "facilities" within the law; and

Whereas, the State does not now have authority to accomplish administrative inspections to determine if a facility has complied with all provisions of the law; and

Whereas, the current law does not describe accurately the intent and the need to improve both employee health and public safety; 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. 37-B MRSA §791, sub-§2, ¶B-1 is enacted to read:

B-1. "Facility" means all buildings, equipment, structures, rail makeup, holding or storage tracks, spurs or yards, truck parking areas, airports, loading docks and other stationary items that are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person or by another person who controls, is controlled by, or is under common control with that person. "Facility" includes sites where motor vehicles, watercraft, rolling stock and aircraft are present for more than 12 hours.

Sec. 2. 37-B MRSA §795, first ¶, as enacted by PL 1989, c. 464, §3, is amended to read:

The operators of any facility ~~that stores~~ where any extremely hazardous substance is present in a quantity above the threshold planning quantity are subject to the following.

Sec. 3. 37-B MRSA §803, sub-§4, as enacted by PL 1989, c. 464, §3, is amended to read:

4. Monitor compliance. The agency shall monitor the compliance of facilities, owners and operators with this subchapter and shall conduct inspections as necessary to ensure compliance with this subchapter. In the event of an accident or incident, the agency may investigate and inspect facilities to determine the cause and circumstances and may order appropriate reporting, facility response mitigation and corrective actions pursuant to any requirement of this subchapter.

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

Effective March 1, 1990.

CHAPTER 639

H.P. 1447 - L.D. 2016

An Act to Amend Laws Regulating the Sardine Industry by Enhancing Export Opportunities

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

Whereas, the Maine sardine industry is losing market opportunities worth thousands of dollars each year in the territories and possessions of the United States due to restrictions in the laws of this State that were created to enhance the quality of sardines sold in the markets of the United States; and

Whereas, a rapid resolution of the restrictions that reduce access to these markets is in the best interests