

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**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**

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**Sec. 3. 30-A MRSA §4404, sub-§17** is enacted to read:

**17. Spaghetti-lots prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

**Sec. 4. Application.** Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to any pending application for subdivision approval.

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

Effective March 30, 1990.

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## CHAPTER 763

H.P. 1635 - L.D. 2268

### An Act to Conform Maine Antifouling Paint Law to Federal Standards

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

**Whereas,** the Legislature established a standard to restrict the amount of tributyltin in antifouling paints prior to action by the United States Congress establishing a different standard; and

**Whereas,** antifouling paint conforming to the State's standard is not available for use by Maine boatyards; and

**Whereas,** Maine boatyards are losing business to their competitors without any benefit to the environment; 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 §419-A, sub-§1, ¶A,** as enacted by PL 1987, c. 474, is repealed and the following enacted in its place:

A. "Acceptable release rate" means a measured release rate equal to or less than 4.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing proce-

dures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. This paragraph is repealed September 1, 1992.

**Sec. 2. 38 MRSA §419-A, sub-§1, ¶A-1** is enacted to read:

A-1. "Acceptable release rate" means a measured release rate equal to or less than 3.0 micrograms per square centimeter per day at steady state conditions determined in accordance with federal Environmental Protection Agency testing procedures on tributyltin in antifouling paints under the Federal Insecticide, Fungicide and Rodenticide Act. This paragraph takes effect September 1, 1992.

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

See title page for effective date.

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## CHAPTER 764

H.P. 1622 - L.D. 2244

### An Act to Reclassify Surface Waters of the State

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

**Sec. 1. 38 MRSA §464, sub-§4, ¶F,** as amended by PL 1989, c. 309, §2, is further amended by amending sub-¶(3) to read:

(3) The board may only issue a discharge license pursuant to section 414-A or approve water quality certification pursuant to the United States Clean Water Act, Section 401, Public Law 92-500, as amended, if the standards of classification of the water body and the requirements of this paragraph ~~will be~~ are met. The board may issue a discharge license or approve water quality certification for a project affecting a water body in which the standards of classification are not met if the project does not cause or contribute to the failure of the water body to meet the standards of classification.

**Sec. 2. 38 MRSA §467, first ¶,** as enacted by PL 1985, c. 698, §15, is amended to read:

All surface waters lying within the boundaries of the State ~~which~~ that are in river basins having a drainage area greater than 100 square miles ~~which that~~ are not classified as lakes or ponds ~~and are not otherwise~~ classified in this section are Class B waters.

**Sec. 3. 38 MRSA §467, sub-§1, ¶D,** as repealed and replaced by PL 1989, c. 228, §1, is amended to read: