

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

Municipal vehicles used by full-time law enforcement departments may be issued special police plates at the request of the chief law enforcement official of that municipality. The plates may only be attached to municipally owned vehicles.

A municipal fire department or an organized volunteer fire department may be exempt from this Title as to registration and payment of registration fees, but shall not be exempt from the inspection requirements of section 2502.

All vehicles owned or used by any municipal corporation and all vehicles loaned by automobile dealers to municipalities for law enforcement agencies to use for educational purposes, use in driver education in secondary schools and all motor vehicles loaned by automobile dealers to private secondary schools for use in driver education in the schools, vehicles loaned to state universities used in organized programs and all motor vehicles used in volunteer ambulance and rescue squad services in such municipalities shall be registered, but shall be exempt from this Title as to the registration fees, except that when the vehicles are leased or rented for commercial purposes they shall be subject to payment of fees as provided in this Title. All such vehicles shall display registration plates as required by this Title or approved by the Secretary of State.

See title page for effective date.

CHAPTER 856

H.P. 1735 - L.D. 2394

An Act to Regulate and Monitor the Discharge of Toxic Substances into the State's Waters

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

Sec. 1. 38 MRSA §414-A, sub-§2, as repealed and replaced by PL 1983, c. 566, §19, is amended to read:

2. Schedules of compliance. The board may establish schedules, within the terms and conditions of licenses, for compliance with best practicable treatment, as defined in subsection 1, paragraph D, which includes the application of best conventional pollutant control technology or best available technology economically achievable, and for compliance with section 420, subsection 2. Schedules ~~shall~~ must be consistent with the times permitted for compliance with the ~~United States~~ Federal Water Pollution Control Act, Public Law 92-500, as amended, and may include such interim and final dates for attainment of specific standards as are necessary to carry out the purposes of this subchapter. The schedules ~~shall~~ must be as short as possible and ~~shall~~ be based upon a consideration of the technological and economic impact of the steps necessary to attain these standards.

Sec. 2. 38 MRSA §420, sub-§2, ¶¶A to G are enacted to read:

A. Except as naturally occurs or as provided in paragraphs B and C, the board shall regulate toxic substances in the surface waters of the State at the levels set forth in federal water quality criteria as established by the United States Environmental Protection Agency pursuant to the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended.

B. The board may change the statewide criteria established under paragraph A for a particular toxic substance established pursuant to the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended, as follows:

(1) By adopting site-specific numerical criteria for the toxic substance to reflect site-specific circumstances different from those used in, or any not considered in, the derivation of the statewide criteria. The board shall adopt site-specific numerical criteria only as part of a licensing proceeding pursuant to sections 413, 414 and 414-A; or

(2) By adopting alternative statewide criteria for the toxic substance. The alternative statewide criteria must be adopted by rule.

The board may substitute site-specific criteria or alternative statewide criteria for the criteria established in paragraph A only upon a finding that the site-specific criteria or alternative statewide criteria are based on sound scientific rationale and are protective of the most sensitive designated use of the water body, including, but not limited to, human consumption of fish and drinking water supply after treatment.

C. When surface water quality standards are not being met due to the presence of a toxic substance for which no water quality criteria have been established pursuant to the Federal Water Pollution Control Act, Section 304(a), as amended, the board shall:

(1) Adopt statewide numerical criteria by rule; or

(2) Adopt site-specific numerical criteria as part of a licensing proceeding under sections 413, 414 and 414-A.

Nothing in this section restricts the authority of the board to adopt, by rule, statewide or site-specific numerical criteria for toxic substances that are not presently causing water quality standards to be violated.

D. For any criteria established under this subsection, the board shall establish the acceptable level of additional risk of cancer to be borne by the affected population from exposure to the toxic substance believed to be carcinogenic.

E. In regulating substances that are toxic to humans, including any rulemaking to regulate these substances, the board shall consider any information provided by the Department of Human Services.

F. The Department of Human Services may request that the board adopt or revise the statewide or site-specific criteria for any toxic substance based on the need to protect public health. If the request is filed with the board, the board may propose a rule and initiate a rule-making proceeding. The board shall incorporate in its proposal for rulemaking under this paragraph the statewide or site-specific criteria recommended by the Department of Human Services.

G. Numeric water quality criteria for 2, 3, 7, 8 - tetrachlorodibenzo-p-dioxin established by the United States Environmental Protection Agency under the Federal Water Pollution Control Act, Public Law 92-500, Section 304(a), as amended, do not apply until June 1, 1991, and only apply on that date if the board has not adopted through rulemaking or individual licensing proceedings under this section alternative numeric water quality criteria for 2, 3, 7, 8 - tetrachlorodibenzo-p-dioxin. Pursuant to section 414-A, subsection 2, the board shall establish schedules for compliance with criteria established under this section. These schedules must be consistent with the compliance deadlines established under the Federal Water Pollution Control Act, Public Law 92-500, Section 304(l), as amended.

Sec. 3. 38 MRSA §420-A, first ¶, as enacted by PL 1987, c. 762, §1, is amended to read:

In order to determine the nature of dioxin contamination in the waters and fisheries of the State, the department shall conduct a ~~one-year~~ monitoring program as described in this section.

Sec. 4. 38 MRSA §420-A, sub-§4, as enacted by PL 1987, c. 762, §1, is amended to read:

4. Report. The department shall report by December 1, 1990, and annually thereafter on December 1st, on the results of the monitoring program to the joint standing committee of the Legislature having jurisdiction over natural resources. The ~~final~~ annual report shall ~~must~~ contain the department's conclusions as to the levels of dioxin contamination in the sample subjects and the likely scope of dioxin contamination in the State's waters.

Sec. 5. 38 MRSA §420-A, sub-§6 is enacted to read:

6. Repeal. This section is repealed on December 31, 1995.

Sec. 6. 38 MRSA §464, sub-§4, ¶A, as amended by PL 1989, c. 442, §4, is further amended to read:

A. Notwithstanding section 414-A, the board ~~shall~~ may not issue a water discharge license for any of the following discharges:

(1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles, except that discharges into these waters which were licensed prior to January 1, 1986, ~~shall be~~ are allowed to continue only until practical alternatives exist;

(2) New direct discharge of domestic pollutants to tributaries of Class-GPA waters;

(3) Any discharge into a tributary of GPA waters ~~which that~~, by itself or in combination with other activities, causes water quality degradation which would impair the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters;

(4) Discharge of pollutants to waters of the State ~~which that~~ imparts color, taste, turbidity, toxicity, radioactivity or other properties ~~which that~~ cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class;

(5) Discharge of pollutants to any water of the State ~~which that~~ violates sections 465, 465-A and 465-B, except as provided in section 451; causes the "pH" of fresh waters to fall outside of the 6.0 to 8.5 range; ~~or~~ causes the "pH" of estuarine and marine waters to fall outside of the 7.0 to 8.5 range; ~~or causes fish for human consumption to be injurious to human health as determined by the United States Food and Drug Administration under the procedures established by United States Code, Title 21, section 342 or as determined by the Department of Human Services. The Department of Human Services shall establish a protocol for determining risk in these situations. The protocol shall be promulgated as a rule in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375; and~~

(6) New discharges of domestic pollutants to the surface waters of the State ~~which that~~ are not conveyed and treated in municipal or quasi-municipal sewage facilities. For the purposes of this subparagraph, "new discharge" means any overboard discharge ~~which that~~ was not licensed as of June 1, 1987, except those discharges ~~which that~~ were in continuous existence for the 12 months preceding June 1, 1987, as demonstrated by the applicant to the board with clear and convincing evidence. For purposes of licensing, the board shall treat an increase

in the licensed volume or quantity of an existing discharge or an expansion in the months during which the discharge will take place as a new discharge of domestic pollutants.

Sec. 7. Applicability. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all license applications pending before the Department of Environmental Protection on or after January 1, 1990.

Sec. 8. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

1990-91

**ENVIRONMENTAL PROTECTION,
DEPARTMENT OF**

Maine Environmental Protection Fund

All Other \$168,000

Provides funds for the contractual laboratory sampling and analysis services.

See title page for effective date.

CHAPTER 857

H.P. 1762 - L.D. 2427

**An Act Relating to Periodic Justification
of Departments and Agencies of State
Government under the Maine Sunset Act**

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

Whereas, the 90-day period will terminate before the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1990; and

Whereas, certain independent agencies will terminate unless continued by Act of the Legislature prior to June 30, 1990; 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. 3 MRSA §507, sub-§4, ¶B, as amended by PL 1989, c. 49, §1 and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 2. 3 MRSA §507, sub-§7, ¶B, as amended by PL 1989, c. 443, §3, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 3. 3 MRSA §507, sub-§8, ¶A, as amended by PL 1989, c. 588, Pt. A, §1, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 4. 3 MRSA §507, sub-§8-A, ¶B, as amended by PL 1989, c. 585, Pt. A, §3, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 5. 3 MRSA §507, sub-§10, ¶B, as amended by PL 1989, c. 443, §4, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 6. 3 MRSA §507-B, sub-§4, ¶B, as amended by PL 1989, c. 49, §2, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 7. 3 MRSA §507-B, sub-§11, as repealed and replaced by PL 1989, c. 502, Pt. A, §6, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 8. 3 MRSA §507-B, sub-§12, as enacted by PL 1989, c. 502, Pt. A, §7, and as repealed by PL 1989, c. 483, Pt. A, §3, is repealed.

Sec. 9. 3 MRSA §927, sub-§1, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

1. 2001.

A. Agencies:

- (1) Department of Finance, but limited to the Bureau of the Budget;
- (2) Office of Treasurer of State;
- (3) Department of Audit;
- (4) Department of Administration, except for the Bureau of Human Resources, Bureau of Employee Relations, Bureau of Public Improvements and the state employee health insurance program;
- (5) Department of Public Safety, but limited to the Bureau of Capitol Security;
- (6) Board of Emergency Municipal Finance;
- (7) Finance Authority of Maine; and
- (8) Maine Municipal Bond Bank;