

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

(2) Two members who are representatives of the family counseling profession, one of whom has experience counseling abusers;

(3) One member who is a representative of the Maine Commission for Women;

(4) Two members who are attorneys with experience in domestic relations cases, one of whom has experience representing victims of domestic abuse;

(5) One person who was a victim of domestic abuse and used the court system;

(6) One member who is a district attorney or assistant district attorney;

(7) One member who is chief of a municipal police department;

(8) One member who is a county sheriff; and

(9) The Commissioner of Public Safety or the commissioner's designee.

B. In addition, the Chief Justice of the Supreme Judicial Court is requested to appoint one person to serve the commission in an advisory capacity.

2. Terms of office. The members shall serve 3-year terms.

3. Powers and duties. The commission shall advise and assist the executive, legislative and judicial branches of State Government on issues related to domestic abuse. The commission may make recommendations on legislative and policy actions, including training of the various law enforcement officers, prosecutors and judicial officers responsible for enforcing and carrying out the provisions of this chapter. The entire commission shall meet at least 2 times a year. Subcommittees of the commission may meet as necessary.

See title page for effective date.

CHAPTER 863

S.P. 1001 - L.D. 2482

An Act to Allow the Maine Health Care Finance Commission to Make Individual Hospital Development Account Interim Adjustments

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

PL 1989, c. 588, Pt. A, §59, 2nd ¶ is amended to read:

The commission shall administer the hospital care financing system established by the Maine Revised Stat-

utes, Title 22, chapter 107, as those provisions of law existed prior to the effective date of this Act, with respect to all hospital payment years beginning before October 1, 1990, except that the commission may, upon application by a hospital, grant interim adjustments to financial requirements for payment years beginning on or after October 1, 1989, and before October 1, 1990, to reflect any costs resulting from projects that meet the requirements of Title 22, former section 396-K, subsection 3, paragraph E, as it existed prior to its repeal by section 38 of this Act. The continuing authority provided by this section ~~shall extend~~ extends to the determination and enforcement of compliance with revenue limits for those earlier payment years and to the settlement of payments and adjustments of overcharges and undercharges for those years, in proceedings that may be commenced after the close of those years. Nothing in this Act may be construed to limit the authority of the commission to enforce compliance with or seek penalties for violation of any provision of Title 22, chapter 107, that was in effect at the time of the act, event or failure to act with respect to which enforcement action is taken or penalties are sought.

See title page for effective date.

CHAPTER 864

H.P. 1418 - L.D. 1970

An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards

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

Sec. 1. 38 MRSA §414-C is enacted to read:

§414-C. Color pollution control

1. Color pollution control; finding. The Legislature finds that further, rigorous control of color, odor and foam pollutants is consistent with modernization of the State's kraft pulp industry and that process technologies to accomplish this objective will enhance the competitive position of this industry.

2. Best practicable treatment; color pollution. For the purposes of section 414-A, subsection 1, paragraph D, "best practicable treatment" for color pollution control for discharges of color pollutants from the kraft pulping process is:

A. For discharges licensed and in existence prior to July 1, 1989, 225 pounds or less of color pollutants per ton of unbleached pulp produced, measured on a quarterly average basis; and

B. For discharges licensed for the first time after July 1, 1989, 150 pounds or less of color pollutants per ton of unbleached pulp produced, measured on a quarterly average basis.

A discharge from a kraft pulp mill that is in compliance with this subsection is exempt from the provisions of subsection 3.

3. Instream color pollution standard. An individual waste discharge may not increase the color of any water body by more than 20 color pollution units. The total increase in color pollution units caused by all waste discharges to the water body must be less than 40 color pollution units. Color increases are measured on a calendar quarterly basis. A discharge that is in compliance with this subsection is exempt from the provisions of subsection 2.

4. Schedule of compliance. No standard for color pollution control established under subsection 2, paragraph A or subsection 3 applies prior to July 1, 1993. The commissioner may establish a schedule for compliance with those provisions. The schedules must be as short as practicable and the commissioner may not establish a schedule that extends beyond July 1, 1995. The commissioner may establish interim and final dates for compliance. The commissioner shall base the schedules on a consideration of:

A. The technological feasibility, availability of equipment and economic impact of the steps necessary for compliance; and

B. The impact of the discharge on the existing and designated uses of the receiving waters.

5. Interstate waters. For the purposes of the commissioner's responsibilities under the Federal Water Pollution Control Act, Public Law 92-500, Section 401(a)(2), as amended, the commissioner shall find that the discharge of color pollution in excess of the standard established under subsection 2, paragraph A, into any surface water that subsequently enters the State affects the quality of the State's waters so as to violate the water quality requirements of the State.

6. Monitoring established; commissioner's report. The commissioner shall incorporate as part of the department's ongoing water quality monitoring program, monitoring of color, odor and foam pollutants. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress achieved to meet the requirements of this section. The commissioner shall determine whether the standards established under this section permit the attainment of the designated uses of the surface waters receiving discharges from kraft pulp mills. If these designated uses are not being attained, the commissioner shall recommend standards sufficient to attain these uses and an estimate of any further costs required to implement the recommended standards. As part of this report, the commissioner shall hold hearings within each river basin affected by the discharge of color, odor and foam pollutants. The report must be given to the joint standing committee of the Legislature having jurisdiction over natural resources matters on or before

January 1, 1994, and periodically thereafter as part of the review of water quality classifications under section 464, subsection 3, paragraph B.

Sec. 2. 38 MRSA §466, sub-§§2-A and 9-C are enacted to read:

2-A. Color pollution unit. "Color pollution unit" means that measure of water color derived from comparison with a standard measure prepared according to the specifications of the current edition of "Standard Methods for Examination of Water and Wastewater," adopted by the United States Environmental Protection Agency, or an equivalent measure.

9-C. Pounds per ton as unit of measure. "Pounds per ton" means the unit for measurement of color in the discharge from the production of wood pulp. The numerator of this unit is the product of the number of color pollution units multiplied by 8.34 multiplied by the volume of effluent discharged measured in millions of gallons. The denominator of this unit is measured in tons of actual production of unbleached wood pulp as measured on an air dried basis.

See title page for effective date.

CHAPTER 865

S.P. 632 - L.D. 1725

An Act to Amend Maine's Underground Oil Storage Law

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

Whereas, the 1990 construction season will begin before the 90-day waiting period for enactment is over; and

Whereas, the Department of Environmental Protection's backlog of unresolved contaminated wells from leaking underground oil storage facilities will continue to increase; and

Whereas, drinking water supplies contaminated by leaking underground oil storage facilities pose a serious threat to the public health and the environment and need to be replaced with clean, potable water sources; 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: