

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

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1991

During any proceeding for site review of a commercial hazardous waste facility, the legislative body of the municipality in which the facility is to be located may appoint 4 representatives to the board. If the facility is proposed to be located ~~within~~ in an unorganized township, the county commissioners of that county may appoint 4 representatives. These representatives may vote on board decisions related to the proposed commercial hazardous waste facility. All representatives appointed under this subsection shall participate on the board only for that site review, until final disposition of the application, including any administrative or judicial appeals. A license application may not be considered by the board unless all municipal members of the board and the municipality have been given written notice of the board meeting and provided copies of all written recommendations of the department, at least 30 days prior to the date of the meeting. The municipal members are entitled to the same pay for each day and expenses as regular board members during the period of their service, to be paid by the department.

4. Municipal fees authorized. A municipality, by ordinance, may levy a fee on a commercial hazardous waste facility located in the municipality. These fees must be applied as a percentage of the annual billings of the facility to its customers. No fee so levied may exceed 2% of the annual billings. ~~The commissioner~~ municipality may audit the accounts of a facility to determine the amount of the fee owed to the municipality. Payment of the fee by the facility to the municipality is a condition of any license approved under this section.

See title page for effective date.

CHAPTER 206

H.P. 429 - L.D. 612

An Act to Improve the Collection of Data by the State Bureau of Identification

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

Sec. 1. 25 MRSA §1544, last ¶, as amended by PL 1987, c. 695, §6, is further amended to read:

The bureau shall establish a category for abuse by adults of family or household members and a category for ~~harassment, which shall be crimes that manifest evidence of prejudice based on race, religion, sexual orientation or ethnicity~~ that are supplementary to its other reported information. The bureau shall prescribe the information to be submitted in the same manner as for all other categories of the uniform crime reports.

Sec. 2. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 207

H.P. 203 - L.D. 294

An Act to Improve Transportation Energy Efficiency

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

5 MRSA §1812-E is enacted to read:

§1812-E. Purchasing of vehicles; fuel efficiency

Except for cars and light duty trucks purchased for law enforcement and other special use purposes as designated by the State Purchasing Agent, the State Purchasing Agent may not purchase or lease any car or light duty truck for use by the State or any department or agency of the State unless:

1. 1993 standards. Beginning January 1, 1993, the car has a manufacturer's estimated highway mileage rating of at least 30 miles per gallon and the light duty truck has a manufacturer's estimated highway mileage rating of at least 24 miles per gallon;

2. 1997 standards. Beginning January 1, 1997, the car has a manufacturer's estimated highway mileage rating of at least 38 miles per gallon and the light duty truck has a manufacturer's estimated highway mileage rating of at least 30 miles per gallon; and

3. 2000 standards. Beginning January 1, 2000, the car has a manufacturer's estimated highway mileage rating of at least 45 miles per gallon and the light duty truck has a manufacturer's estimated highway mileage rating of at least 35 miles per gallon.

For the purposes of this section, the terms "car" and "light duty truck" have the same meaning as in the federal Department of Energy Publication DOE/CE-0019/10, or any successor publication.

See title page for effective date.

CHAPTER 208

H.P. 537 - L.D. 724

An Act to Require State Review of Chemical Spill Clean-up Plans

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

Whereas, the Department of Environmental Protection adopted rules in 1981 relating to approval of chemical

spill plans and has not been able due to resource constraints to approve plans in a timely manner; and

Whereas, due to the department's delay in approving plans, facilities subject to these rules have been required to report all hazardous releases regardless of quantity; and

Whereas, this Act modifies the laws to resolve this issue; 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 §1318, sub-§2, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §253, is further amended to read:

2. Removal. If the responsible party or person causing the discharge immediately reports and removes the discharge in accordance with this subchapter, a plan submitted under section 1318-C and the rules and orders of the board or commissioner, the party or person is not subject to criminal or civil penalties under this subchapter.

Sec. 2. 38 MRSA §1318-B, sub-§1, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §254, is repealed and the following enacted in its place:

1. Reporting. Except as provided in this subsection, the responsible party or person causing the discharge shall report a discharge immediately to the Department of Public Safety, which shall immediately notify the Commissioner of Environmental Protection and the public safety agency of the municipality in which the discharge takes place. Upon submission to the commissioner of a written spill prevention control and clean-up plan that meets the criteria of section 1318-C, subsection 1, a discharge containing a hazardous matter that is covered by the plan must be reported only if the discharge equals or exceeds the applicable reportable quantity for that particular hazardous matter as specified in Code of Federal Regulations, Title 40, Parts 302.4, 302.5 and 302.6 (b(1)), revised as of July 1, 1990, or when the discharge extends or spreads beyond the area on the site covered by the spill prevention control and clean-up plan.

Sec. 3. 38 MRSA §1318-C is enacted to read:

§1318-C. Spill prevention control and clean-up plan

A responsible party may develop and submit to the commissioner spill prevention, control and clean-up plans referred to in this section as "the plan" to address discharges of hazardous matter.

1. Plan content. Spill prevention control and clean-up plans must include at a minimum the following information:

A. The hazardous matter and substances covered including the reportable quantity for each hazardous matter and mixture measured in pounds or gallons;

B. Any containment and diversionary structures or equipment where appropriate;

C. Inspection, maintenance and testing procedures for storage and containment areas;

D. A list of emergency response equipment and locations and a description of the capabilities of the equipment;

E. A description of employee training programs;

F. A description of areas in need of protection and method of protection;

G. A description of discharge detection devices and emergency warning systems;

H. A list of on-site emergency coordinators and the qualifications of on-site trained employee responders;

I. A description of evacuation procedures and assembly points;

J. Notification procedures for federal, state and local officials;

K. Procedures for supplying written reports to the department;

L. General response and clean-up protocols by substance or substance class;

M. Specific on-site containment, treatment or removal plans;

N. A description of the record-keeping process for responses involving the implementation of this plan;

O. A description and copies of mutual aid agreements and any agreements with clean-up contractors; and

P. A promulgation statement and date of plan adoption.

2. Submission. The plan and all amendments to the plan must be submitted to the commissioner upon adoption or amendment.

3. Amendments. The plan must be amended as necessary to reflect current conditions at the facility or as determined appropriate by the facility or state agencies.

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

Effective May 29, 1991.