

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

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Number of facilities owned by <u>facility owner</u>	Costs paid by applicant
1	\$2,500
2 to 5	5,000
6 to 10	10,000
11 to 30	50,000
over 30	100,000

The commissioner shall pay any eligible additional costs up to \$1,000,000 associated with activities under section 569, subsection 5, paragraphs B, D and I; resulting from a discharge from the fund. The commissioner may pay any costs eligible for coverage by the fund above \$1,000,000 from the fund but the commissioner shall recover these expenditures from the responsible party pursuant to section 569.

Sec. 13. 38 MRSA §569, sub-§2-A, ¶I is enacted to read:

I. A 3rd-party damage claim for damages to real estate may not include the devaluation of the real estate associated with the loss of a water supply if the commissioner finds under section 568, subsection 2 that a public water supply is available and best meets the criteria of that subsection and the property owner did not agree to be served by that public water supply.

Sec. 14. 38 MRSA §569, sub-§6, as repealed and replaced by PL 1991, c. 66, Pt. A, §31, is amended to read:

6. Reimbursements to the Ground Water Oil Clean-up Fund. The commissioner shall seek recovery for the use of the fund of all sums greater than \$1,000,000 per occurrence, expended from the fund pursuant to subsection 5, paragraph I, for an applicant for coverage by the fund found by the commissioner to be eligible under section 568-A, subsection 1, and all sums expended from the fund when no applicant was found by the commissioner to be eligible under section 568-A, subsection 1, including overdrafts, for the purposes described in subsection 5, paragraphs B, D, E, G and I, or for other damage incurred by the State, in connection with a prohibited discharge, including interest computed at 15% a year from the date of expenditure, unless the commissioner finds the amount involved too small or the likelihood of success too uncertain. If a request for reimbursement to the fund is not paid within 30 days of demand, the commissioner shall refer the request to the Attorney General or to a collection agency, agent or attorney retained by the department with the approval of the Attorney General in conformance with Title 5, section 191 for collection.

This subsection is repealed December 31, 1999.

Sec. 15. 38 MRSA §570-F, first ¶, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §154, is repealed and the following enacted in its place:

This subchapter may not be construed to authorize the department to require registration of or to regulate the installation or operation of underground tanks used:

1. Propane storage. For the storage of propane; or

2. Other structure. As an oil-water separator, catch basin, flood drain or other emergency containment structure provided that the structure:

A. Is used to collect, capture or treat storm water surface runoff or oil spills; and

B. Is not used for the storage of oil.

Sec. 16. 38 MRSA §570-K is enacted to read:

§570-K. Aboveground oil storage facilities

1. Definition. For the purposes of this section, "aboveground oil storage facility" means a tank or container used for the storage or supply of oil, of which less than 10% is underground, together with associated piping and dispensing facilities. Aboveground oil storage facilities of less than 660 gallons are not included in this definition if they are used exclusively for the storage of #2 and other home heating oil. Aboveground oil storage facilities containing only liquefied petroleum gas or liquefied natural gas are not included in this definition.

2. Prohibition. After July 1, 1995, a person may not operate an aboveground oil storage facility constructed after July 1, 1985 that has underground piping not constructed of cathodically protected steel, fiberglass or other noncorrosive material approved by the department.

3. Underground piping installation. All underground piping, whether replacement or new, associated with an aboveground oil storage facility must be installed:

A. In accordance with section 564 or other applicable design and installation rules adopted by the board; and

B. By persons certified by the Board of Underground Storage Tank Installers pursuant to Title 32, chapter 104-A.

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

Effective June 24, 1991.

CHAPTER 495

H.P. 15 - L.D. 18

An Act Concerning the Franklin County Budget

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

30-A MRSA c. 3, sub-c. I, art. 9 is enacted to read:

Article 9

FRANKLIN COUNTY BUDGET

§871. Budget; appropriations; approval

Notwithstanding sections 2, 701 and 702, in Franklin County the county commissioners may appropriate money, according to a budget which must be approved by a majority of the county commissioners.

§872. Interim budget

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed 80% of the previous year's budget.

§873. Advisory committee

There is established a Franklin County Budget Advisory Committee comprised as follows.

1. Municipal officers. Municipal officers within each commissioner district shall caucus and shall elect municipal officers from that district to fill vacancies as they arise, for terms as provided in paragraph A.

A. Members shall serve for 3-year terms, except that initially each district caucus shall select one member for a one-year term, one member for a 2-year term and one member for a 3-year term. There must be 3 members from each commissioner district. If a committee member ceases to be a municipal officer during the term of membership, the committee member shall resign the membership and the next district caucus shall elect a qualified municipal officer to fill the membership for the remainder of the unexpired term.

2. Legislative member. The Franklin County legislative delegation shall select one of the delegation's members to serve as a nonvoting member on the committee.

3. Committee chair. The committee shall select its own chair each year.

§874. Budget procedures

1. Budget procedures. The Franklin County commissioners shall submit itemized finance estimates in the form of a budget to the advisory committee no later than 60 days before the end of the county's fiscal year.

2. Budget review process. The advisory committee shall review the itemized estimated budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department

or provided by any independent board or institution or another governmental agency. The advisory committee shall prepare a proposed budget and may increase, decrease or alter the estimated budget as long as:

A. The advisory committee enters into its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. In the proposed budget, the total estimated revenues, together with the amount of county tax to be levied, equal the total estimated expenditures.

3. Public hearing. The advisory committee shall hold a public hearing in the county on the proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing must be given in all newspapers of general circulation within the county at least 10 days before the hearing. Written notice and a copy of the proposed budget must be sent by mail, or delivered in person, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the proposed budget.

4. Finality of budget. After the public hearing is completed, the advisory committee shall adopt a final budget and transmit that budget to the county commissioners. The county commissioners may not further increase, decrease, alter or revise the budget adopted by the advisory committee, except by unanimous vote of the county commissioners. If the adopted budget is changed by the county commissioners, the advisory committee may reject that change by a 2/3 vote of its membership. Those actions are final and are not subject to further action by either the county commissioners or the advisory committee.

§875. Filing of final budget

A copy of the final budget must be filed with the State Auditor on forms approved by the Department of Audit. The State Auditor shall retain the forms for 3 years.

§876. Repeal

This article is repealed on April 30, 1994, unless continued by act of the Legislature upon the review and recommendation of the joint standing committee of the Legislature having jurisdiction over state and local government matters.

See title page for effective date.

CHAPTER 496

H.P. 557 - L.D. 800

**An Act to Protect the Public Health by
Strengthening Maine's Radiation
Protection Program**