

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

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J.S. McCarthy Company
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

tions conform to that plan. Any interest paid by a municipality prior to reimbursement on a municipal bond issued to raise funds for remediation and closure activities during this period is a cost eligible for reimbursement under this section. The commissioner shall use at least 1/3 of the available funds for municipalities eligible for reimbursement of closure and remediation costs under this subsection until all those municipalities have been reimbursed. A landfill that is privately owned and privately operated is not eligible for reimbursement under this subchapter.

A. The commissioner may act to abate public health, safety and environmental threats at sites identified as uncontrolled hazardous substance sites under section 1362, subsection 3 or at federally declared Superfund sites. Notwithstanding any other provision of this article, the commissioner shall determine the amount of funds expended at such sites.

B. The commissioner may enter into contracts with the Maine Municipal Bond Bank to manage bonds issued under this article, as long as the management fee structure does not allow dilution of the bond principal.

Sec. 11. 38 MRSA §1310-F, sub-§3, as repealed and replaced by PL 1991, c. 66, Pt. A, §36, is amended to read:

3. Sanitary and refuse disposal districts. Any of the following public entities owning or operating a solid waste landfill for which a remediation or closure plan has been adopted is eligible for grants under this section reimbursement of closure or remediation costs incurred after February 1, 1976, if the closure or remediation actions were in conformance with all applicable laws or rules in effect at the time:

A. A sanitary district created under chapter 11 or by special act of the Legislature; or

B. A regional association as defined in section 1303-C, subsection 24.

Sec. 12. 38 MRSA §1310-F, sub-§5 is enacted to read:

5. Audit. A municipality or other public entity receiving grants or reimbursement of interest shall include the remediation or closure project in its annual independent audit to provide assurance of the proper expenditure of state funds. A copy of this audit must be provided in a timely manner to the solid waste closure and remediation program of the Department of Environmental Protection.

See title page for effective date.

CHAPTER 520

H.P. 1171 - L.D. 1712

An Act to Clarify Provisions of and Provide Funding for Toxics Use, Toxics Release and Hazardous Waste Reduction Programs

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

Sec. 1. 38 MRSA §342, sub-§4, ¶B is enacted to read:

B. The Office of Pollution Prevention is established within the department to review department programs and make recommendations to the commissioner on means of integrating pollution prevention into department programs. The Office of Pollution Prevention has the following functions:

(1) To establish pollution prevention priorities within the department;

(2) To coordinate department pollution prevention activities with those of other agencies and entities;

(3) To ensure that rules, programs and activities of the department are consistent with pollution prevention goals and do not hinder pollution prevention initiatives;

(4) To provide technical assistance, training and educational activities to assist the general public, governmental entities and the regulated community with development and implementation of pollution prevention programs as funds allow;

(5) To establish an award program to recognize businesses, local governments, department staff and others that have implemented outstanding or innovative pollution prevention programs, activities or methods;

(6) To identify opportunities to use the state procurement system to encourage pollution prevention;

(7) To develop procedures to determine the effectiveness of the department's pollution prevention programs and activities; and

(8) To assume responsibility for the administration and implementation of chapter 26.

Sec. 2. 38 MRSA c. 2, sub-c. IV is enacted to read:

SUBCHAPTER IV
MAINE POLLUTION PREVENTION FUND

§358. Maine Pollution Prevention Fund

1. Fund established. The Maine Pollution Prevention Fund, referred to in this subchapter as the "fund," is established as a nonlapsing fund administered by the commissioner for the purpose of strengthening environmental protection in the State through pollution prevention activities and methods. The money deposited with the Treasurer of State to the credit of the fund may be invested as provided by law. Interest on these investments is credited to the fund.

2. Fund sources. The fund may receive money from the following sources:

A. Contributions from other entities, both public and private; and

B. Registration and associated fees for pollution prevention workshops held by the commissioner.

3. Purposes. Money in the fund may be used to establish and support pollution prevention programs and activities. This fund may:

A. Support the Toxics Use, Toxics Release and Hazardous Waste Reduction Program established under chapter 26; and

B. Support functions and activities of the Office of Pollution Prevention as outlined in section 342, subsection 4.

Sec. 3. 38 MRSA §361-A, sub-§3-B is enacted to read:

3-B. Pollution prevention. "Pollution prevention" means the application of the toxics use reduction principles and reduction hierarchies, which are established in chapter 26, to manufacturing, commercial and consumer chemical use and energy production and consumption.

Sec. 4. 38 MRSA §1303-C, sub-§13-A, as enacted by PL 1989, c. 929, §5, is repealed.

Sec. 5. 38 MRSA §1319-I, sub-§2-A, as enacted by PL 1989, c. 929, §6, is amended to read:

2-A. Fees for noncompliance with reduction requirements. Notwithstanding subsection 8, the commissioner may assess and a generator as defined in chapter 26 not in compliance with chapter 26 must pay a fee as follows:

A. For hazardous waste that is transported off the site to a licensed hazardous waste disposal facility for disposal, 18¢ a pound; and

B. For hazardous waste that is transported off the site to a licensed hazardous waste treatment facility

for treatment, storage facility for storage or other licensed facility for handling, including beneficial reuse, reclamation or recycling, 13.5¢ a pound.

Sec. 6. 38 MRSA §2301, sub-§7, as enacted by PL 1989, c. 929, §7, is amended to read:

7. Generator. "Generator" means the owner or operator of a facility that generates ~~more than 100 kilograms of hazardous waste in a calendar month for more than 3 months of the year.~~

Sec. 7. 38 MRSA §2301, sub-§11-A is enacted to read:

11-A. Product. "Product" means an output of a production process or a quantifiable service by a facility.

Sec. 8. 38 MRSA §2301, sub-§12, as enacted by PL 1989, c. 929, §7, is repealed and the following enacted in its place:

12. Production unit. "Production unit" means a process, line, method, activity or technique, or a combination or series thereof, used to produce a product.

Sec. 9. 38 MRSA §2301, sub-§§16, 18 and 21, as enacted by PL 1989, c. 929, §7, are amended to read:

16. Toxic substance or toxics. "Toxic substance" or "toxics" means any substance in a gaseous, liquid or solid state listed pursuant to the SARA, Title III, Section 313, and listed in 40 Code of Federal Regulations, Part 372.65 and any extremely hazardous substance as listed in 40 Code of Federal Regulations, Part 355.

18. Toxics use reduction. "Toxics use reduction" means front-end substitution, product reformulation or in-plant changes in production processes or raw materials that reduce, avoid or eliminate the use of ~~toxic or hazardous substances~~ toxics or the generation of ~~hazardous toxic~~ by-products per unit of product to reduce risks to the health of workers, consumers or the environment, without shifting risks among workers, consumers or parts of the environment.

21. Waste assessment. "Waste assessment" means a systematic planned procedure to identify ways to reduce or eliminate waste. ~~The assessment consists of the review and evaluation of a facility's operations and waste streams and the selection of specific waste streams to be evaluated.~~

Sec. 10. 38 MRSA §2302, as enacted by PL 1989, c. 929, §7, is amended to read:

§2302. Toxics use reduction and hazardous waste management policy

It is the policy of the State to reduce the ~~volume~~ amount of the toxic ~~materials~~ substances used in the State, to reduce worker and environmental exposure to the release of toxic ~~materials and~~ substances, to reduce the haz-

ardous waste generated within the State and to minimize the transfer of toxic pollutants from one environmental medium to another. The State encourages an integrated approach to toxics use reduction, toxics release reduction and hazardous waste reduction based on the hierarchies of management strategies included in this section.

1. Toxics use reduction. The State encourages reducing the use of toxic ~~materials~~ substances through changes in production or other processes or operations, in products or in raw materials that reduce, avoid or eliminate the use or production of toxic substances without creating substantial new or increased risks to public health, safety and the environment. These changes may be made through the application of any of the following techniques:

A. Input substitution, which refers to replacing a toxic substance or raw material used in a production or other process or operation with a nontoxic or less toxic substance;

B. Product reformulation, which refers to substituting for an existing end product an end product that is nontoxic or less toxic upon use, release or disposal;

C. Production or other process or operation redesign or modification;

D. Production or other process or operation modernization, which refers to upgrading or replacing existing equipment and methods; and

E. Improved operation and maintenance controls of production or other process or operation equipment and methods including, but not limited to, improved housekeeping practices, system adjustments, product and process inspections or production or other process or operation control equipment or methods.

~~Toxics use reduction includes proportionate changes in the usage of a particular toxic substance by any of the methods set forth in this subsection as a result of production changes or other business changes.~~

2. Toxics release reduction. The State ~~encourages~~ requires reducing the release of toxics during manufacturing and other processes through, in addition to encouraging the toxics use reduction techniques specified in subsection 1, in-plant changes in production or other processes or operations that reduce or avoid exposure of workers and the environment to toxics ~~through the application of the following techniques:~~

~~A. Improved operation and maintenance controls of production or other process or operation equipment and methods including, but not limited to, improved housekeeping practices, system adjustments, product and process inspections or production or other process or operation control equipment or methods; and~~

~~B. Upgrading, redesigning or replacing existing equipment and methods with other equipment and methods.~~

3. Hazardous waste reduction. The State ~~encourages~~ requires reducing the generation of hazardous waste through, in addition to any toxics use and release reduction techniques employed by the facility, the application of the following techniques:

A. Recovery of toxics from production and other processes for reuse;

B. On-site recycling of hazardous waste;

C. Off-site recycling of hazardous waste; and

D. Treatment of hazardous waste to reduce volume or toxicity or both; and

~~E. Safe disposal.~~

Sec. 11. 38 MRSA §2303, sub-§1, as enacted by PL 1989, c. 929, §7, is repealed and the following enacted in its place:

1. Toxics use reduction goals. Using the amount of toxics used statewide in 1990 as a baseline figure, the goals for toxics use reduction are a 10% reduction in the amount of toxic substances used in the State by January 1, 1994, a 20% reduction by January 1, 1996 and a 30% reduction by January 1, 1998.

Sec. 12. 38 MRSA §2303, sub-§2 to 6, as enacted by PL 1989, c. 929, §7, are amended to read:

2. Toxics release reduction goals. Using an average of the aggregate volumes amounts of toxics released at a facility in calendar years 1990 and 1991 as a base line baseline figure, the goals for reducing the aggregate volume amount of toxics released to the environment at the facility are a 10% volume reduction by July 1, 1993 January 1, 1994, a 20% volume reduction by July 1, 1995 January 1, 1996 and a 30% volume reduction by July 1, 1997 January 1, 1998. Those owners and operators required to report under the SARA, Title III, Section 313, are required to meet these goals. These reduction requirements do not apply for toxics regulated by the department through a toxics releaser's air emissions or wastewater discharge license. Until a base year and measurement techniques are established, there are no specific goals for worker exposure to toxics releases, but owners or operators of those facilities regulated by this chapter must examine means to reduce exposure. For purposes of this subsection, toxics refers to substances listed pursuant to the SARA, Title III, Section 313. To assist facilities in complying with this subsection, the Commissioner of Environmental Protection shall develop a methodology to measure volume reductions for toxics releases. This methodology may be based on reports filed with the Maine Emergency Management Agency pursuant to the SARA, Title III, Section 313, and other available data.

3. Hazardous waste generation minimization goals.

The goals for minimizing the amount of hazardous waste generated at a facility are a 10% ~~volume~~ reduction by January 1, ~~1993~~ 1994, a 20% ~~volume~~ reduction by July 1, 1995, January 1, 1996 and a 30% ~~volume~~ reduction by July 1, 1997 January 1, 1998. Reductions must be based on a facility's average generation rate for the years 1987, ~~1988~~ and 1989.

4. Establishment of unit of product. ~~When tracking the percent reduction achieved by a facility, the Commissioner of Environmental Protection shall work with the Department of Labor to establish a uniform production unit measure for each standard industrial code to account accurately for changes in toxics use, toxics release and hazardous waste generation due to business growth or decline. When production units are not easily established, such as when a facility provides a service rather than a product, the commissioner and the Department of Labor shall work with industry representatives to establish an acceptable accounting method for business activity. A facility must establish its own unit of product to aid the department in accounting accurately for changes in toxics use, toxics release and hazardous waste generation due to business growth or decline. Once established and accepted by the commissioner, a facility's unit of product remains constant from year to year. If a facility changes its products or services so that use of the previously accepted unit of product no longer accurately accounts for toxics use, toxics release and hazardous waste reductions, the facility may petition the commissioner to change its unit of product. The commissioner may establish guidelines to aid facilities in the establishment of unit of product.~~

5. Progress evaluation. Progress toward meeting the toxics use, toxics release and hazardous waste reduction goals ~~must~~ may be evaluated annually by the commissioner based on manifest data, progress reports submitted under Title 37-B, sections 797 and 799, annual hazardous waste generator reports and other appropriate available information. To determine achievement of reduction goals, the commissioner may adjust the baseline figure to account for changes in the statutory or regulatory definitions of toxic substances and hazardous wastes.

6. New facilities. Facilities constructed after the effective date of this chapter ~~must~~ should be designed to minimize toxics use, toxics release and hazardous waste generation in accordance with the State's policies as set forth in section 2302 and ~~must~~ may be evaluated on the basis of production units of product for the volume amount of toxics use used, toxics release released and hazardous waste generated.

Sec. 13. 38 MRSA §2304, as enacted by PL 1989, c. 929, §7, is repealed and the following enacted in its place:

§2304. Regulated community

Toxics users, toxics releasers and hazardous waste generators shall meet the applicable requirements under this chapter.

1. Toxics users. Toxics users are subject to this subsection.

A. Owners and operators of facilities subject to reporting requirements for extremely hazardous substances under the SARA, Title III, Section 312 are not required to meet the toxics use reduction goals, but shall examine, plan and implement means of reducing the use of extremely hazardous substances within their facilities without impairing the quantity or quality of their products or services. For the purpose of developing reduction plans and reporting progress toward meeting reduction goals, a facility is required to examine only those extremely hazardous substances which the facility is required to report under SARA, Title III, Section 312. A facility is not required to examine toxics use that is incidental to the facility's administrative functions.

B. The following facilities are exempt from the planning and reporting requirements for toxics use:

- (1) Water supply treatment facilities; and
- (2) Municipal wastewater treatment facilities.

2. Toxics releasers. Toxics releasers are subject to this subsection.

A. Owners and operators of facilities required to report under SARA, Title III, Section 313 are required to meet the toxics release reduction goals. For the purpose of developing reduction plans and meeting reduction goals, "toxics" refers only to those substances which the facility is required to report under SARA, Title III, Section 313. The board may establish by rule reduction planning levels other than the SARA reportable quantities for specific toxics.

B. The following exemptions apply to toxics releasers.

- (1) The following facilities are exempt from the planning and reduction requirements for toxics release:
 - (a) Water supply treatment facilities;
 - (b) Municipal wastewater treatment facilities;
 - (c) Retail and wholesale motor fuel and heating oil distributors; and
 - (d) Agricultural activities.

(2) To qualify for an exemption from the toxic release reduction requirements under this paragraph, a toxics releaser must demonstrate to the commissioner that all practicable reduc-

tions have been implemented or scheduled for implementation. The commissioner may establish alternate toxics release reduction goals for the facility when appropriate.

(a) A toxics releaser must receive an exemption from the requirement of meeting state reduction goals from the commissioner if the toxics releaser proves that:

(i) Practicable toxics release reduction methods do not exist;

(ii) All practicable reductions or actions have been previously implemented or are being implemented and will be completed on a schedule acceptable to the commissioner;

(iii) Practicable steps necessary to reduce toxics release would have an unreasonable adverse impact on product quality or quantity;

(iv) Practicable means of measuring a toxics release do not exist; or

(v) Legal or contractual obligations prohibit steps necessary to reduce toxics release.

(b) The commissioner shall review exemptions under this paragraph at 3-year intervals. Renewals must be granted for toxics releasers that demonstrate that they still meet the requirements set forth in division (a), subdivisions (i) to (iv). If an exemption has been granted based on legal or contractual obligations, the exemption is only for the term of that obligation. An exemption or renewal for a new or renewed legal or contractual obligation may not be granted by the commissioner. A toxics releaser that has received an exemption based on legal or contractual obligations may apply for a renewal based on division (a), subdivision (i), (ii), (iii) or (iv).

3. Hazardous waste generators. Hazardous waste generators are subject to this subsection.

A. All facilities that generate 100 kilograms or more of hazardous waste in a calendar month for more than 3 months of the year are required to meet the state hazardous waste reductions goals. For the pur-

pose of developing reduction plans, a facility must examine all hazardous waste generated in the production process and related operations and maintenance activities or, in the case of a service industry, all hazardous waste generated in the performance of the service, including hazardous wastes that are recycled. Progress toward meeting the reduction goals is based on the amount of hazardous waste that is either shipped off site or disposed of on site.

B. The following exemptions apply to hazardous waste generators.

(1) The following are exempt from the planning and reduction requirements for hazardous waste:

(a) Commercial hazardous waste treatment or storage facilities;

(b) Pilot plants or pilot production units;

(c) Hazardous waste transporters;

(d) Hazardous waste generated as a result of remedial or corrective actions or facility closures required by law or undertaken to protect employee health and safety, public health and safety or the environment;

(e) Households; and

(f) Agricultural activities.

(2) To qualify for an exemption from the hazardous waste reduction requirement under this paragraph, a generator must demonstrate to the commissioner that all practicable reductions have been implemented or scheduled for implementation. The commissioner may establish alternate hazardous waste reduction goals for the facility when appropriate.

(a) A generator must receive an exemption from the requirement of meeting state reduction goals from the commissioner if the generator proves that:

(i) Practicable hazardous waste reduction methods do not exist;

(ii) All practicable reductions or actions have been previously implemented or are being implemented and will be completed on a schedule acceptable to the commissioner;

(iii) Practicable steps necessary to reduce hazardous waste would

have an unreasonable adverse impact on product quality or quantity; or

(iv) Legal or contractual obligations prohibit steps necessary to reduce hazardous waste generation.

(b) The commissioner shall review exemptions under this paragraph at 3-year intervals. Renewals may be granted for hazardous waste generators that demonstrate that they still meet the requirements set forth in division (a), subdivisions (i) to (iii). If an exemption has been granted based on legal or contractual obligations, the exemption is only for the term of that obligation. An exemption or renewal for a new or renewed legal or contractual commitment may not be granted by the commissioner. A generator that has received an exemption based on legal or contractual obligations may apply for a renewal based on division (a), subdivision (i), (ii) or (iii).

4. Report. The commissioner shall report annually by January 1st to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters listing all exemptions granted under this section.

Sec. 14. 38 MRSA §2305, first ¶, as enacted by PL 1989, c. 929, §7, is amended to read:

Those facilities subject to regulation under this chapter shall develop by January 1, 1993 and update every 2 years thereafter plans for their own use in meeting the State's goals. The board may establish ~~by rule, guidelines~~ rules for toxics use, toxics release and hazardous waste reduction plans to be prepared pursuant to this section. A plan must include:

Sec. 15. 38 MRSA §2306, as enacted by PL 1989, c. 929, §7, is amended to read:

§2306. Employee notification

The Six months prior to the date when a reduction plan or update must be completed, the owner or operator of each facility must notify all of its employees of the requirements for the plans, identify the toxic substances and hazardous ~~substances~~ wastes and production units for which plans must be developed and solicit comments or suggestions from all employees on toxics use, toxics release and hazardous waste reduction options.

Sec. 16. 38 MRSA §2307, sub-§§2 and 3, as enacted by PL 1989, c. 929, §7, are amended to read:

2. Toxics release reduction reports. As set forth in Title 37-B, section 799, toxics releasers must report their progress toward meeting the toxics release reduction goals as part of their reporting requirements to the State Emergency Response Commission. After January 1, ~~1993~~ 1994, the commissioner may require a toxics releaser to submit a summary of the toxics release reduction plan required under section 2305 within ~~one year~~ 60 days when:

A. A facility has not made sufficient progress in reducing toxics release as evidenced by failure to meet the toxics release reduction goals;

B. A facility has received an exemption under section 2304, subsection 2, paragraph B, subparagraph (2), and has not made sufficient progress toward meeting the alternate toxics release reduction goals established by the commissioner in section 2304, subsection 2, paragraph G B, subparagraph (2); or

C. A new facility has toxics release rates that are significantly greater per ~~production~~ unit of product than in similar facilities within the same standard industrial code category.

If a plan summary is required under this subsection, the commissioner shall notify the owner or operator of that facility of that requirement.

3. Hazardous waste reduction reports. After January 1, ~~1993~~ 1994, the commissioner may require a facility to submit a summary of the hazardous waste reduction plan required under section 2305 within ~~one year~~ 60 days when:

A. A facility has not made sufficient progress in reducing hazardous waste generated at the facility as evidenced by a failure to meet the hazardous waste reduction goals;

B. A facility has received an exemption under section 2304, subsection ~~4 3~~, paragraph B, subparagraph (2), and has not made sufficient progress toward meeting the alternate hazardous waste reduction goals established by the commissioner under section 2304, subsection ~~4 3~~, paragraph G B, subparagraph (2); or

C. A new facility generates hazardous waste in a significantly greater amount per ~~production~~ unit of product than is generated in similar facilities within the same standard industrial code category.

If a plan summary is required under this subsection, the commissioner shall notify the owner or operator of the facility of that requirement.

Sec. 17. 38 MRSA §2308, sub-§§1 and 2, as enacted by PL 1989, c. 929, §7, are amended to read:

1. Prohibition. A facility subject to regulation under this chapter is prohibited from using any change in a pro-

cess or material that results in ~~new or~~ increased toxics release ~~or hazardous waste generation~~ to meet the hazardous waste reduction goals as set forth in section 2303.

2. Exemptions. A facility subject to regulation under this chapter may apply to the commissioner for an exemption from subsection 1 if the owner or operator demonstrates that the change resulting in the increased toxic release ~~or hazardous waste increase~~ results in a long-term benefit to public health and the environment that outweighs the benefits of other reduction techniques and:

A. The increase in the toxic release does not cause a violation of the facility's existing wastewater discharge or air emission license or permit limits; or

B. If the toxics release is new to a facility's existing air or wastewater stream, or both, the facility possesses and complies with all necessary federal, state and local licenses or permits applicable for the release.

Sec. 18. 38 MRSA §2309, sub-§5, as enacted by PL 1989, c. 929, §7, is repealed.

Sec. 19. 38 MRSA §2309, sub-§5-A is enacted to read:

5-A. Unit of product. The commissioner may develop guidelines to aid facilities in the establishment of units of product to account for changes in business activity. A facility's selection of or change in unit of product may be reviewed by the commissioner and rejected if it is not appropriated for the facility. If a facility fails to identify a unit of product, the commissioner may establish a unit of product for that facility based upon a review of units of product for similar facilities in the same standard industrial code category.

Sec. 20. 38 MRSA §2310, sub-§2, as enacted by PL 1989, c. 929, §7, is amended to read:

2. Terms. All appointed members are appointed for staggered terms of 3 years. The President of the Senate and the Speaker of the House of Representatives shall appoint each; one member for a one-year initial term, one member for a 2-year initial term and one member for a 3-year initial term. The Governor shall appoint 2 members for one-year initial terms, 2 members for 2-year initial terms and 2 members for 3-year initial terms. A vacancy must be filled by the same appointing authority which made the original appointment. No appointed member may serve more than ~~2 4-year~~ 3-year terms.

Sec. 21. 38 MRSA §2310, sub-§7, 1A, as enacted by PL 1989, c. 929, §7, is amended to read:

A. Review program priorities for toxics use, toxics release and hazardous waste reduction and may identify user groups as priorities for department technical assistance activities;

Sec. 22. 38 MRSA §2311, sub-§§1 to 3, as enacted by PL 1989, c. 929, §7, are amended to read:

1. Hazardous waste generators. All owners or operators of facilities that generate hazardous waste other than households and agricultural ~~operations~~ activities shall register annually with the commissioner. Registration forms and ~~an the~~ accompanying fee of ~~\$50~~ are due to the commissioner by March 1, 1991 and annually thereafter. Subsequent registration forms and fees are due on March 1st of each year. For facilities that generate 100 kilograms or more of hazardous waste in a calendar month for more than 3 months of the year, the fee is \$100 per facility. For all other generators, the fee is \$50 per facility.

2. Toxics user. All toxics users must submit ~~\$25~~ \$50 per extremely hazardous substance reported by the facility under SARA, Title III, Section 312 in addition to fees assessed under Title 37-B, section 801, ~~when submitting reports required under the SARA, Title III, Section 312, for extremely hazardous substances to the State Emergency Response Commission. These funds must be transferred by the State Emergency Response Commission to the Maine Hazardous Waste Fund within 60 days of receipt. Fees assessed under this subsection must be submitted annually by March 1st to the department.~~

3. Toxics releaser. All toxics releasers must submit ~~\$25~~ \$100 per chemical reported by the facility under SARA, Title III, Section 313 in addition to fees assessed under Title 37-B, section 801, ~~when submitting reports required under the SARA, Title III, Section 313, to the State Emergency Response Commission. These funds must be transferred by the State Emergency Response Commission to the Maine Hazardous Waste Fund within 60 days of receipt. Fees assessed under this subsection must be submitted annually by July 1st to the department.~~

Sec. 23. 38 MRSA §2311, sub-§4 is enacted to read:

4. Fee limitation. A company subject to fees under this section may not be assessed more than \$1,000 per year.

Sec. 24. 38 MRSA §2312, sub-§1, as enacted by PL 1989, c. 929, §7, is repealed and the following enacted in its place:

1. Toxics users. Toxics users that fail to meet any requirements set forth in this chapter except the achievement of the toxics use reduction goals are subject to enforcement action and penalty fees. Toxics users are subject to the general penalties in chapter 2.

Sec. 25. 38 MRSA §2312, sub-§§2 and 3, as enacted by PL 1989, c. 929, §7, are amended to read:

2. Toxics releasers. Toxics releasers that fail to meet any requirements set forth in this chapter including, but not limited to, achievement of toxics release reduction goals and the preparation of plans and submission of re-

quired plan summaries, are subject to enforcement action and penalty fees. Toxics releasers are subject to the general penalties in chapter 2.

3. Hazardous waste generators. Generators that fail to meet any requirements set forth in this chapter including, but not limited to, achievement of hazardous waste reduction goals and the preparation of plans and submission of required plans plan summaries, may be subject to enforcement action, ~~civil or criminal penalties and penalties.~~ Hazardous waste generators are subject to the general penalties in chapter 2 and fees assessed in section 1319-I, subsection 2-A.

Sec. 26. Allocation. The following funds are allocated from the Maine Hazardous Waste Fund to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Hazardous Waste Fund		
All Other	\$40,962	\$40,962
Provides funds for data base development, expenses of the Toxics Reduction Advisory Committee and other general operating expenses.		

See title page for effective date.

CHAPTER 521

H.P. 896 - L.D. 1293

An Act to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance

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

15 MRSA §1025, as amended by PL 1989, c. 704, §3, is further amended to read:

§1025. Law enforcement officers

A law enforcement officer may, without fee, take the personal recognizance of any defendant for appearance on a charge of a Class D or Class E crime. If authorized, a law enforcement officer may, without fee, take the personal recognizance with deposit in accordance with Title 12, section 7053, subsection 2, paragraph C and Title 12, section 9707. The law enforcement officer's authority under this

section continues as long as the arrestee remains in the officer's custody.

See title page for effective date.

CHAPTER 522

H.P. 1026 - L.D. 1499

An Act to Improve Motorcycle Driver Education

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

Sec. 1. 29 MRSA §583-A, first ¶, as amended by PL 1987, c. 415, §21, is further amended to read:

Effective March 1, 1987, notwithstanding any other provisions of law, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle may be issued to any person under 21 years of age, unless that person presents a certificate of successful completion of a prescribed motorcycle driver education program and examination approved by the Secretary of State and given by a certified instructor; the person ~~shall~~ must demonstrate his ability to safely operate a motorcycle in the examination. ~~All licenses expire on December 31st of the year of issue.~~

Sec. 2. Study. The Secretary of State shall conduct a study of potential improvements to the Motorcycle Driver Education Program.

1. To assist in conducting the study, the Secretary of State shall form a committee consisting of the following: four Legislators, one Senator appointed by the President of the Senate and 3 members of the House of Representatives appointed by the Speaker of the House of Representatives; 2 representatives from the Department of the Secretary of State appointed by the Secretary of State; 2 representatives of the Department of Public Safety, appointed by the Commissioner of Public Safety; 2 representatives of United Bikers of Maine who are licensed motorcycle operators appointed by the Secretary of State; one representative of the Maine Motorcycle Dealers Association appointed by the Secretary of State; and one certified motorcycle safety instructor appointed by the Secretary of State.

2. The study must evaluate the following:

A. The feasibility of adding 7 hours of actual riding instruction to the program's classroom instruction requirements and the feasibility of extending this requirement to drivers of all ages;

B. The availability of facilities for the expansion of the Motorcycle Driver Education Program;