

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**§7502. State institutions**

The director of a state institution ~~for the mentally ill or mentally retarded~~ shall apply to the superintendent of the school administrative unit in which the institution is located, or in any adjoining unit, for children in the institution to attend that unit's schools. These exceptional students ~~shall~~ are entitled to attend under the same conditions as apply to students residing in the school administrative unit and under the rules of the department relating to special education.

**Sec. 7. 20-A MRSA §7722, sub-§4**, as enacted by PL 1985, c. 487, §3, is amended to read:

**4. Governance and financial responsibility.** The school board responsible for ~~operating~~ providing the pre-school program or service shall assume the financial responsibility for the program or service. It ~~shall receive~~ is entitled to the state subsidy for the program or service and may charge tuition for costs which exceed expenditures made for those programs or services in the base year.

**Sec. 8. 20-A MRSA §8401**, as amended by PL 1989, c. 540, §1, is further amended to read:

**§8401. Vocational centers**

The vocational centers shall operate at Augusta; Bath; Biddeford; School Administrative District No. 61; (Bridgton); Caribou; School Administrative District No. 46; (Dexter); Ellsworth; School Administrative District No. 9; (Farmington); School Administrative District No. 27 (Fort Kent); Lewiston; Madawaska; Portland; School Administrative District No. 1; (Presque Isle); Sanford; School Administrative District No. 54; (Skowhegan); School Administrative District No. 24; (Van Buren); Waterville; and Westbrook. School Administrative District No. 27, School Administrative District No. 33 and the Madawaska School Department are authorized to enter into a cooperative agreement ~~which that~~ provides for the construction and operation of a vocational center in School Administrative District No. 33.

**Sec. 9. 20-A MRSA §15603, sub-§23**, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

**23. State-operated institution.** "State-operated institution" means any residential facility or institution which is operated by the Department of Mental Health and Mental Retardation or a school operated by the Department of Education.

**Sec. 10. 20-A MRSA §15905-A, sub-§3** is enacted to read:

**3. Local vote.** Prior to approval by the commissioner, each nonstate funded project must receive a fa-

vorable vote in accordance with section 15904, except that section 15904, subsection 4 does not apply.

**Sec. 11. P&SL 1941, c. 37, §2, last ¶, first sentence**, as amended by P&SL 1985, c. 6, is further amended to read:

The trustees shall appoint a board of visitors composed of not fewer than ~~12~~ 25 nor more than ~~25~~ 50 members.

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

Effective March 13, 1992.

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**CHAPTER 656****S.P. 518 - L.D. 1396****An Act to Establish the Maine Correctional Institution - Warren**

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

**34-A MRSA §3201**, as amended by PL 1991, c. 314, §62, is further amended to read:

**§3201. Maintenance**

The commissioner shall maintain the Maine State Prison at Thomaston, in Knox County, as the prison and penitentiary of the State, and shall confine, employ and govern persons lawfully committed to the department, as provided by law. The Maine Correctional Institution - Warren is established as a unit of the Maine State Prison.

See title page for effective date.

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**CHAPTER 657****H.P. 1018 - L.D. 1491****An Act to Limit Late Fees Charged on Cable Television Rates**

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

**Sec. 1. 30-A MRSA §3010, sub-§6-B** is enacted to read:

**6-B. Late fees.** A cable television system operator may not charge a late fee on any bill for basic tier service, as defined in the federal Cable Communications Policy Act of 1984, 47 United States Code, Section 522,

that exceeds the maximum amount established under Title 9-A, Part 2.

See title page for effective date.

## CHAPTER 658

### H.P. 1040 - L.D. 1513

#### **An Act Relating to Best Practicable Treatment Determinations in Air Emission Licensing**

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

**Sec. 1. 38 MRSA §590**, as amended by PL 1991, c. 483, §3, is repealed and the following enacted in its place:

#### **§590. Licensing**

**1. License required.** After ambient air quality standards and emission standards have been established within a region, the board may by rule provide that a person may not operate, maintain or modify in that region any air contamination source or emit any air contaminants in that region without an air emission license from the department.

**2. Applications.** Applications for air emission licenses must be made in a form prescribed by the commissioner and contain the information related to the proposed air contamination source and emission of air contaminants required by rule of the board. All hearings under this section must be held in a municipality within the region where the proposed emission is to be located. At this hearing, the department shall solicit and receive testimony concerning the nature of the proposed emissions; their effect on existing ambient air quality standards within the region; the availability and effectiveness of air pollution control apparatus designed to maintain the emission for which a license is sought at the levels required by law; and the expense of purchasing and installing this apparatus. The department shall grant the license and may impose appropriate and reasonable conditions as necessary to secure compliance with ambient air quality standards if the department finds that the proposed emission will:

- A. Receive the best practical treatment;
- B. Not violate or be controlled so as not to violate applicable emission standards; and
- C. Either alone or in conjunction with existing emissions, not violate or be controlled so as not to violate applicable ambient air quality standards.

**3. Best practical treatment.** Emissions from existing sources undergoing license renewal are receiving best

practical treatment if those emissions are being controlled by an air pollution control apparatus installed less than 15 years prior to the date of license application approval or an accepted best practical treatment analysis shows that those emissions are being controlled in a manner consistent with emission controls commonly used in sources of similar age and design in similar industries, unless:

- A. The applicant is proposing replacement of the existing air pollution control apparatus;
- B. Additional reductions are necessary to achieve or maintain ambient air quality standards;
- C. The department determines that emissions of air contaminants for which an ambient air quality standard has not been adopted pose an unreasonable risk to the environment or public health; or
- D. Additional reductions are necessary to restore ambient air quality increments, even if the applicant has been previously authorized to use that increment.

The department may at the time of the license renewal require additional instrumentation; operating practices; automated process controls; replacement of component parts; emission testing, including requirements for continuous emission monitors; equipment maintenance programs; or record keeping to increase the efficiency of existing air pollution control apparatus or other pollution mitigating measures.

**4. Low sulfur fuel.** Best practical treatment does not include the use of fuel with a lower sulfur content than that specified in section 603-A unless a lower sulfur fuel is required to comply with applicable emission standards or applicable ambient air quality standards.

**5. License conditions for start-up, shutdown and malfunctions.** In making license decisions and conditions, the department shall consider the extent to which operation of the licensed facility requires an allowance for excess emissions during cold start-ups and shutdowns of the facility as long as that facility is operated to minimize emissions and is otherwise subject to applicable standards. When the applicant demonstrates to the department that, consistent with best practical treatment requirements and other applicable standards, infrequent emissions are unavoidable during these periods, the department may establish appropriate license allowances and conditions.

**6. Installation period.** If an air emission license renewal or amendment can be granted only if the licensee installs additional emission controls or other mitigating measures, then the licensee may continue to emit pollutants from air contaminant sources that will receive these controls or measures up to the same level allowed in its existing air emission license as long as the addi-