

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.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

tightness test approved by the department; and

(5) Discovery of oil off site on or under abutting properties, including nearby utility conduits, sewer lines, buildings, drinking water supplies and soil; and

~~(6) Notwithstanding this paragraph, any actual leaks or discharges of oil that occur on the premises, including, but not limited to, spills, overfills and leaks, whether or not cleaned up;~~

The rules may not require the reporting of any leak or discharge of oil above ground of 10 gallons or less that occurs on the premises, including, but not limited to, spills, overfills and leaks, when those leaks or discharges do not reach ground water or surface waters of the State and are cleaned up within 24 hours of discovery, provided that a written log is maintained at the facility or the owner's place of business in this State. For each discharge the log must record the date of discovery, its source, the general location of the discharge at the facility, the date and method of cleanup and the signature of the facility owner or operator certifying the accuracy of the log;

Sec. 6. 38 MRSA §566-A, sub-§1-A is enacted to read:

1-A. Abandoned tanks brought back into service. Underground oil storage tanks and facilities that have been out of service for a period of more than 12 months may be brought back into service if the owner can demonstrate to the commissioner's satisfaction that:

A. The facility is in compliance with this subchapter;

B. The underground oil storage tank and piping have successfully passed precision testing; and

C. The underground oil storage tank and piping are constructed of fiberglass, cathodically protected steel or other equally noncorrosive material approved by the commissioner.

Sec. 7. 38 MRSA §568, sub-§6 is enacted to read:

6. Reimbursement. If the commissioner requires an underground oil storage facility owner or operator to remove or close an underground oil storage facility upon evidence of a leak and if after investigation that facility is found not to be the source of a leak, the commissioner shall immediately reimburse that facility owner or op-

erator from the fund for the documented costs of that removal. The facility owner or operator may be reimbursed for damages resulting from the removal, such as loss of income, through the 3rd-party damage claim process in section 569.

Sec. 8. Clean-up standards for remediation.

The Commissioner of Environmental Protection shall develop illustrative standards for cleanup and remediation of oil-contaminated soil and ground water to include specific clean-up standards for various contamination scenarios, taking into consideration background levels of contamination. In no case may the most stringent standard exceed:

1. The primary drinking water regulations adopted by the Department of Human Services, Bureau of Health under the Maine Revised Statutes, Title 22, section 2611 or, if no primary drinking water regulations exist, maximum exposure guidelines adopted by the Commissioner of Human Services; or

2. Total gasoline or total heating oil hydrocarbon concentrations in soil exceeding 5 and 10 parts per million respectively.

The Commissioner of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over natural resource matters by February 15, 1993 on the Department of Environmental Protection's experience in applying these standards.

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

Effective March 30, 1992.

CHAPTER 764

H.P. 1695 - L.D. 2375

An Act Relating to the Arthur R. Gould School

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

Sec. 1. 5 MRSA §12004-I, sub-§15-A is enacted to read:

| | | | |
|---------------------|----------------------|-------------------|------------------|
| <u>15-A.</u> | <u>Policy Review</u> | <u>Not</u> | <u>34-A MRSA</u> |
| <u>Education:</u> | <u>Council</u> | <u>Authorized</u> | <u>§3815</u> |
| <u>Arthur R.</u> | | | |
| <u>Gould School</u> | | | |

Sec. 2. 34-A MRSA §3815 is enacted to read:

§3815. Arthur R. Gould School

1. Purpose. The Arthur R. Gould School, located at the Maine Youth Center, is devoted to the education and instruction of persons residing at the center.

2. Responsibility for maintaining school. The State, through the Department of Corrections, has the responsibility and expense of maintaining the school in compliance with all elementary and secondary state education requirements for public schools and private schools approved for tuition purposes established in Title 20-A.

3. School privileges. A person residing at the Maine Youth Center is eligible to attend the Arthur R. Gould School and receive education, vocational education, special education and alternative education services in accordance with all state and federal requirements.

4. Policy review council. The Commissioner of Corrections and the Commissioner of Education shall appoint a 7-member policy review council as authorized by Title 5, chapter 379.

A. The term of office is 3 years.

B. The initial appointments are as follows:

- (1) Three members for 3 years;
- (2) Two members for 2 years; and
- (3) Two members for one year.

C. Replacements for council members who do not complete their term of office are for the remainder of the unexpired term.

D. A Legislator may not serve on the council.

E. The council members must be representative of a broad range of professionals, parents and citizens interested in the education of students at the Arthur R. Gould School and include the parents of a current or former Arthur R. Gould School student. In addition, council members may include:

- (1) Professionals not employed by the Arthur R. Gould School who serve or have served students in a corrections setting;
- (2) Representatives of advocacy groups for children with special needs;
- (3) School administrative unit administrators or special education directors; and
- (4) Interested citizens.

F. The council must have access to the school, but may not participate in the administration of the day-to-day operations of the school.

G. The duties of the council include, but are not limited to:

- (1) Making annual recommendations to the superintendent and sending copies of the recommendations to the members of the joint standing committee of the Legislature having jurisdiction over education matters;
- (2) Making policy recommendations to the superintendent, the Commissioner of Education and the Commissioner of Corrections;
- (3) Reviewing policy development by the superintendent;
- (4) Reviewing the implementation of policy;
- (5) Reviewing staff recruitment, retention, promotion and evaluation policies and procedures;
- (6) Holding hearings for staff, parents, students, alumni, special education directors and the general public and otherwise soliciting the opinions of individuals in those groups concerning the operation and role of the school; and
- (7) Conducting exit interviews with staff members terminating employment with the school.

See title page for effective date.

CHAPTER 765

S.P. 793 - L.D. 1992

An Act Concerning Long-term Care Recipients

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

Sec. 1. 22 MRSA §1815-A is enacted to read:

§1815-A. Nursing home surcharge

In addition to the fee in section 1815, an application for a license to operate a nursing home must be accompanied by a nonrefundable surcharge of \$5 for each bed contained within the facility. The surcharge must be deposited in the General Fund.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

HUMAN SERVICES, DEPARTMENT OF