

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 333

S.P. 470 - L.D. 1462

An Act to Facilitate Oil Spill Cleanup Operations

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

Whereas, unless this legislation is enacted as an emergency measure, the provisions of the Maine Revised Statutes, Title 38, sections 413 and 543 will apply to mechanical oil skimming operations, thereby possibly hampering recovery efforts in the event of an oil spill; 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 §413, sub-§2-G is enacted to read:

2-G. Exemptions; oil discharge response. A person may not be considered in violation of this section for the discharge of oil to surface waters of the State if the discharge occurs in the process of recovering, containing, cleaning up or removing an oil spill to surface waters and is undertaken in compliance with the instructions of the commissioner or the commissioner's designee.

Sec. 2. 38 MRSA §543, 2nd ¶, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §108, is further amended to read:

Notwithstanding the prohibition of this section, the department may license the discharge of waste, refuse or effluent, including natural drainage contaminated by oil into or upon any coastal waters if, and only if, it finds that ~~such~~ the discharge will be receiving the best available treatment and that ~~such~~ the discharge will not degrade existing water quality ~~nor~~, perceptibly violate the classification of the receiving waters, ~~nor~~ or create any visible sheen upon the receiving waters. A license is not required and a person may not be considered in violation of this section for the discharge of oil to surface waters of the State if the discharge occurs in the process of recovering, containing, cleaning up or removing an oil spill to surface waters and is undertaken in compliance with the instructions of the commissioner or the commissioner's designee.

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

Effective June 11, 1993.

CHAPTER 334

H.P. 114 - L.D. 156

An Act Authorizing Presidential Preference Primary Elections in the State

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

Sec. 1. 21-A MRSA §335, sub-§5, ¶B-1, as enacted by PL 1987, c. 797, §1, is amended to read:

B-1. For a candidate for the office of President of the United States, at least ~~2,000~~ 1,000 and not more than ~~3,000~~ 1,500 voters;

Sec. 2. 21-A MRSA §408 is enacted to read:

§408. Repeal

This subchapter is repealed July 1, 1995.

Sec. 3. 21-A MRSA c. 5, sub-c. V is enacted to read:

SUBCHAPTER V**PRESIDENTIAL PREFERENCE PRIMARY ELECTIONS****§411. Determination and date of primary**

1. Determination of primary. When the state committee of a political party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and that the state committee votes to conduct a presidential primary election at the state committee's convention the year before the primary, the State shall hold a presidential primary election.

2. Date of primary. The presidential preference primary must be held on the same day as the presidential primary for the State of New Hampshire or, if that state holds no presidential primary, on the first Tuesday in March of the presidential election year.

§412. Petitions or filing fees