

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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undertake removal or remedial action promptly in accordance with an order issued pursuant to section 1304, subsection 12 and this section may be liable to the State for punitive damages in an amount at least equal to, and not more than 3 times, the amount expended by the commissioner as a result of such failure to take proper action.

The Attorney General is authorized to commence a civil action against any such responsible party to recover the punitive damages, which are in addition to any fines and penalties established pursuant to section 349. Any money received by the commissioner pursuant to this subsection must be deposited in the Uncontrolled Sites Fund.

**Sec. 62. 38 MRSA §2174, sub-§1 and 3,** as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §292, are repealed.

**Sec. 63. 38 MRSA §2304, sub-§1, ¶B,** as repealed and replaced by PL 1991, c. 520, §13, is amended to read:

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

- (1) Water Drinking water supply treatment facilities; ~~and~~
- (2) Municipal wastewater treatment facilities; ~~;~~ and
- (3) Wholesale distributors of chemicals.

**Sec. 64. 38 MRSA §2304, sub-§2, ¶B,** as repealed and replaced by PL 1991, c. 520, §13, is amended by amending subparagraph (1) to read:

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

**Sec. 65. State property.** The warehouse located on the grounds of the Southern Maine Technical College in South Portland that was constructed by the Department of Environmental Protection with funds from the Maine Coastal and Inland Surface Oil Clean-up Fund is the property of the Department of Environmental Protection. The warehouse is a beige, steel-walled structure

measuring 80 feet by 80 feet and was completed in 1985 as an addition to a previously existing heating and air conditioning building.

**Sec. 66. Allocation.** The following funds are allocated from Other Special Revenues to carry out the purposes of this Act.

	1993-94	1994-95
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Oil and Hazardous Materials Control</b>		
Positions	(3.0)	(3.0)
Personal Services	\$122,583	\$133,142
All Other	16,089	24,355
Provides for the allocation of funds for one Manager of Environmental Studies and Permits position, one Environmental Specialist III position, one Oil and Hazardous Materials Specialist III position and operational support costs for review and approval of voluntary remedial investigation and cleanup plans for polluted property.		
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL</b>	<b>\$138,672</b>	<b>\$157,497</b>

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

Effective June 16, 1993.

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## CHAPTER 356

### H.P. 1073 - L.D. 1439

#### **An Act to Amend Certain Laws Administered by the Department of Environmental Protection Governing Fees, Reconsiderations and Outside Permit Reviews**

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

**Whereas,** the Department of Environmental Protection fee schedule will be repealed on July 1, 1993, resulting in lower fees for most permitting and licensing activities; and

**Whereas,** the higher fee schedule is necessary to maintain compliance with the permit processing timetables authorized by Public Law 1991, chapter 804; and

**Whereas**, the statute allowing for outside review of Department of Environmental Protection permit applications is repealed on July 1, 1993; and

**Whereas**, the department has found the provision for outside review of applications to be an important and useful aid; 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 §341-D, sub-§5**, as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended by amending the first paragraph to read:

**5. Requests for reconsideration.** Within 30 days of a decision by the board, any person aggrieved by the decision may petition the board in writing for a person aggrieved by a decision of the board on a permit or license application may petition the board once to reconsider that decision, except that a person may not petition the board to reconsider a decision that is an appeal or review of a final license or permit decision made by the commissioner under subsection 4, paragraph A. A petition for reconsideration must be made in writing within 30 days after the board's decision and may be made for:

**Sec. 2. 38 MRSA §344-A, sub-§5**, as enacted by PL 1991, c. 471, is repealed.

**Sec. 3. 38 MRSA §352, sub-§5-A**, as amended by PL 1991, c. 824, Pt. C, §4, is further amended by amending the first paragraph to read:

**5-A. Accounting system.** In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate. This subsection is repealed July 1, 1993 1995.

**Sec. 4. 38 MRSA §352, sub-§5-B**, as enacted by PL 1991, c. 591, Pt. U, §2, is amended by amending the first paragraph to read:

**5-B. Accounting system.** This subsection takes effect July 1, 1993 1995. In order to determine the extent to which the functions set out in this section are necessary for the licensing process or are being performed in an efficient and expeditious manner, the commissioner shall require that all employees of the department involved in any aspect of these functions keep accurate and regular daily time records. These records must describe the matters worked on, services performed and the amount of time devoted to those matters and services, as well as amounts of money expended in performing those functions. Records must be kept for a sufficient duration of time as determined by the commissioner to establish to the commissioner's satisfaction that the fees are appropriate.

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

Effective June 16, 1993.

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## CHAPTER 357

H.P. 996 - L.D. 1337

### An Act to Clarify Child Support Laws

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

**Whereas**, ambiguities exist in the expedited paternity laws that have created a situation in which the benefits of these laws can not be realized, thus severely limiting the number of paternity cases that can be processed in any given year; and

**Whereas**, this limitation restricts the amount of money reimbursed to the State for the costs of the aid to families with dependent children program, restricts the number of cases in which child support can be paid to families utilizing the aid to families with dependent children program and threatens the ability of the State to comply with federal law; 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. 19 MRSA §281**, as enacted by PL 1967, c. 325, §2, is repealed and the following enacted in its place: