

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 463

H.P. 680 - L.D. 922

An Act to Clarify the Definition of Teacher under the Laws of the Maine State Retirement System**REVISOR'S NOTE:**

The Secretary of the Senate reported that L.D. 922 did not receive the necessary number of votes in the Senate to become effective law pursuant to the Constitution of Maine, Article IX, Section 21. Accordingly, the Department of the Attorney General has determined by letter to the Secretary of the Senate dated September 1, 1993 that L.D. 922 will not become effective.

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

Sec. 1. 38 MRSA §589, sub-§3, as enacted by PL 1991, c. 384, §9 and affected by §16, is amended to read:

3. Emission monitoring devices. Failure Except as provided in this subsection, failure by a person to register, install, maintain and use emission monitoring devices or to file reports from those devices renders that person liable to the penalties prescribed in sections 348 and section 349. Emission monitoring devices must record accurate and reliable data during all source-operating time except for periods when emission monitoring devices are subject to established quality assurance and quality control procedures or to unavoidable malfunction. In any enforcement action brought by the department, the burden of proof is on the licensee to demonstrate that the failure of emission monitoring devices to record accurate and reliable data was due to an unavoidable malfunction or the performance of established quality assurance and quality control procedures on the monitoring system.

A. The department may not initiate enforcement action pursuant to section 349 against any person for failure to operate a continuous emission monitoring system for gaseous emissions as long as the system is recording accurate and reliable data at least 90% of the source-operating time in each quarter of the calendar year. If the continuous emission monitoring system for gaseous emissions is recording accurate and reliable data less than 90% of source-operating time within any quarter of the calendar year, the department may initiate enforcement action and may include in that enforcement action any period of time that the continuous emission monitoring system was not recording accurate and reliable data during that quarter unless the licensee can demonstrate to the satisfaction of the department that the failure of the system to record accurate and reliable data was due to the performance of established quality assurance and quality control procedures or unavoidable malfunctions.

B. The department may not initiate enforcement action pursuant to section 349 against any person for failure to operate a continuous opacity monitoring system as long as the system is recording accurate and reliable data at least 95% of the source-operating time in each quarter of the calendar year, excluding time periods when the licensee is performing quality assurance and quality control procedures on the system that are required by the department. If the continuous opacity monitoring system is recording accurate and reliable data less than 95% of the source-operating time within any quarter of the calendar year, the department may initiate enforcement action and may include in that

CHAPTER 464

S.P. 368 - L.D. 1125

An Act Concerning Continuous Emission Monitoring Devices

enforcement action any period of time that the continuous opacity monitoring system was not recording accurate and reliable data during that quarter unless the licensee can demonstrate to the satisfaction of the department that the failure of the system to record accurate and reliable data was due to the performance of established quality assurance and quality control procedures or unavoidable malfunctions.

Sec. 2. 38 MRSA §603-A, sub-§4, as amended by PL 1989, c. 501, Pt. CC, §2, is further amended to read:

4. Flue gas desulfurization. Any source that installs any approved flue gas desulfurization system or other prescribed sulfur removal device ~~shall~~ **must** be permitted to use fuel with a sulfur content in excess of the limitations of subsection 2 such that, after control, total sulfur dioxide emissions do not exceed ~~2.4 pounds of sulfur dioxide per million British Thermal Units in any 24-hour period until November 1, 1991, and 1.92 pounds of sulfur dioxide per million British Thermal Units in any 24-hour period thereafter;~~ or emission rates corresponding to the fuel sulfur limitations required for sources on the Portland peninsula.

Except for lime kilns at pulp and paper mills, the department may require any person achieving compliance by means of an approved flue gas desulfurization system or other prescribed sulfur removal device to operate a continuous emission monitoring device for sulfur dioxide.

See title page for effective date.

CHAPTER 465

H.P. 415 - L.D. 534

An Act Establishing University of Maine System License Plates

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

Sec. 1. 20-A MRSA c. 419-B is enacted to read:

CHAPTER 419-B UNIVERSITY OF MAINE SYSTEM SCHOLARSHIP FUND

§11631. University of Maine System Scholarship Fund

The University of Maine System Scholarship Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Finance Authority of Maine. All revenues credited to this fund must be distributed as need-based scholarships for students attending the University of Maine System. These scholarships

may only be awarded to those students who are residents of the State, who pay tuition and who otherwise meet the eligibility requirements for a scholarship under the student incentive scholarship program. The Finance Authority of Maine shall award the scholarships and adopt rules for determining eligibility, terms and conditions for the scholarships. The fund may not be used for the costs of administering the scholarships.

Sec. 2. 29 MRSA §252-J is enacted to read:

§252-J. University of Maine System; special registration plates

1. University of Maine System plate. The Secretary of State, upon receiving an application and evidence of payment of the excise tax required by Title 36, section 1482, the registration fee required by section 242 and the administrative fee and voluntary contribution provided for in subsection 2, shall issue a registration certificate and a set of University of Maine System designating plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters. The number of characters appearing on a plate may not exceed 7.

2. Administrative fee and contribution to University of Maine System Scholarship Fund. University of Maine System special registration plates are not required for registration of a motor vehicle. A person may contribute to the University of Maine System Scholarship Fund by applying for the special registration plates and submitting, in addition to the regular motor vehicle registration fee, a sum of \$20, which is credited as follows:

A. Ten dollars to the University of Maine System Scholarship Fund established in Title 20-A, section 11631; and

B. Ten dollars to the General Highway Fund for administrative and production costs.

3. Design. The Secretary of State shall determine a design for the special University of Maine System plates. If the design accommodates the use of numbers and letters as provided in section 192, the Secretary of State shall, upon request, issue University of Maine System plates that are also vanity plates. University of Maine System vanity plates are issued in accordance with the provisions of this section and section 192.

4. Not transferable. Special designating plates issued under this section are not transferable.

Sec. 3. Design of plates. Prior to final determination of a design for the University of Maine System plates, the Secretary of State shall develop one or more designs and present the design or designs to the Joint Standing Committee on Transportation or a subcommittee of the Joint Standing Committee on Transportation for review and recommendations.