

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**

**January 5, 1994 to April 14, 1994**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 14, 1994**

**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**

## CHAPTER 500

H.P. 1264 - L.D. 1691

**An Act to Implement the Technical and Environmental Assistance Program****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 38 MRSA §343-C, sub-§3** is enacted to read:**3. Staffing.** The commissioner shall establish adequate staffing to effectively carry out the duties of the Technical and Environmental Assistance Program.**Sec. 2. 38 MRSA §343-D, sub-§1,** as enacted by PL 1991, c. 804, Pt. C, §3 and affected by §5, is amended to read:**1. Appointment; composition.** The committee consists of ~~15~~ 16 voting members.A. The Governor shall appoint ~~4~~ 2 representatives from the business community, 2 elected or appointed municipal officials who are not owners or representatives of owners of small business stationary sources, and 2 representatives of organized labor.B. The President of the Senate shall appoint one member from a public health organization, one member from an environmental organization and one public member who is an owner or represents an owner of a small business stationary source.C. The Speaker of the House of Representatives shall appoint one member from a public health organization, one member from an environmental organization and one public member who is an owner or represents an owner of a small business stationary source.D. The commissioner ~~or the commissioner's~~ shall appoint a designee is a voting member to represent the department.E. The Senate Minority Leader and the House Minority Leader shall each appoint one member who is an owner or represents an owner of a small business stationary source.F. The Director of the Bureau of Air Quality Control shall appoint a designee to represent the bureau.

The Commissioner of Labor, the Director of the Maine Emergency Management Agency and the Executive Director of the Maine Waste Management Agency serve as ex officio members and do not vote on committee matters.

As used in this subsection, unless the context otherwise indicates, a "small business stationary source" means a source that meets the eligibility requirements of 42 United States Code Annotated, Section 7661f.

**Sec. 3. 38 MRSA §353-A, sub-§4,** as amended by PL 1993, c. 412, §3, is further amended to read:**4. Maximum and minimum fees.** The minimum annual fee is \$250 per year. The maximum annual fee is \$150,000 per year. Beginning November 1, 1994, the minimum annual fee surcharge is \$100 per year and the maximum annual fee surcharge is \$50,000 per year. The commissioner may reduce any fee required under the federal Clean Air Act Amendments of 1990 to take into account the financial resources of a small business stationary source as defined in section 343-D, subsection 1.**Sec. 4. Allocation.** The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.**1994-95****ENVIRONMENTAL PROTECTION, DEPARTMENT OF****Maine Environmental Protection Fund**

Positions	(3)
Personal Services	\$104,219
All Other	38,273
Capital Expenditures	13,500

Provides funds for one Environmental Specialist IV position, one Environmental Specialist III position, one Clerk III position, office supplies, travel, printing, general operations, contracts, training, furniture, computers and printers.

**DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION  
TOTAL**

\$155,992

**Sec. 5. Effective date.** This Act takes effect on July 1, 1994.

Effective July 1, 1994.

**CHAPTER 501**

**S.P. 569 - L.D. 1610**

**An Act to Clarify the State's  
Implementing Regulations to Provide  
for Schedules of Compliance**

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

**Sec. 1. 38 MRSA §414-A, sub-§2,** as repealed and replaced by PL 1991, c. 66, Pt. A, §7 and affected by §43, is repealed and the following enacted in its place:

**2. Schedules of compliance.** Within the terms and conditions of a license, the department may establish a schedule of compliance for a final effluent limitation based on a water quality standard adopted after July 1, 1977. When a final effluent limitation is based on new or more stringent technology-based treatment requirements, the department may establish a schedule of compliance consistent with the time limitations permitted for compliance under the Federal Water Pollution Control Act, Public Law 92-500, as amended. A schedule of compliance may include interim and final dates for attainment of specific standards necessary to carry out the purposes of this subchapter and must be as short as possible, based on consideration of the technological, economic and environmental impact of the steps necessary to attain those standards.

See title page for effective date.

**CHAPTER 502**

**S.P. 548 - L.D. 1573**

**An Act Governing Special Purpose  
Investment Subsidiaries**

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

**Sec. 1. 24-A MRSA §605, sub-§1,** as amended by PL 1989, c. 502, Pt. A, §93, is further amended to read:

**1.** Payment by the insurer of the taxes as required by Title 25, section 2399 and Title 36, chapter 357 ~~shall be~~ is in lieu of all taxes imposed by the State upon the insurer, or any subsidiary referred to in section 1157, subsection 5, paragraph B, subparagraph (1), upon premiums or upon income, and of any franchise, privilege or other taxes measured by income of the insurer or the subsidiary.

**Sec. 2. 24-A MRSA §605, sub-§2,** as enacted by PL 1969, c. 132, §1, is amended to read:

**2.** The State ~~hereby~~ preempts the field of regulating, or of imposing excise, privilege, franchise, income, license, permit, registration and similar taxes, licenses and fees upon, insurers ~~and, any subsidiary referred to in section 1157, subsection 5, paragraph B, subparagraph (1),~~ their general agents, agents and other representatives as such; and on the intangible property of insurers, any subsidiary referred to in section 1157, subsection 5, paragraph B, subparagraph (1) or such representatives; and all political subdivisions or agencies thereof in this State are prohibited from regulating insurers, any subsidiary referred to in section 1157, subsection 5, paragraph B, subparagraph (1) or their general agents, agents and other representatives as such, and from imposing upon them any such tax, license, or fee. ~~Except that this~~ This provision shall does not prohibit the imposition by political subdivisions of taxes upon real and tangible personal property.

**Sec. 3. 24-A MRSA §1157, sub-§5, ¶B,** as enacted by PL 1987, c. 399, §14, is amended to read:

B. Investments made directly or indirectly in the following subsidiaries are not subject to the limitations contained in paragraph A; or in section 1155 or 1156, nor are these investments to be counted in determining compliance with those limitations:

(1) Subsidiaries, all of whose stock is owned by one or more insurers, engaged or organized to engage exclusively in the ownership or management of assets authorized under this chapter as investments for the insurer; and

(2) Subsidiaries engaged or organized to engage in the kinds of business in which the insurer may engage, provided that the aggregate net cost of the insurer's investments in all such subsidiaries may not exceed 50% of its surplus as to policyholders.