

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.

J.S. McCarthy Company
Augusta, Maine
1993

CHAPTER 537

S.P. 481 - L.D. 1479

**An Act to Identify Laboratories
Subject to the Laboratory
Certification Program**

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

Whereas, the Maine Revised Statutes, Title 22, chapter 157-A requires the Department of Human Services and the Department of Environmental Protection to adopt rules establishing laboratory certification requirements and a certification fee schedule; and

Whereas, Title 22, chapter 157-A requires certification of any commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste or radiological samples for use in programs of either of the departments, subject to certain specified exceptions; and

Whereas, the departments have issued a proposed rule that would impose certification requirements that are substantial and certification fees that are significant on all laboratories conducting these analyses, regardless of the size and purpose of those laboratories; and

Whereas, this legislation exempts from the certification requirement wastewater laboratories that perform only certain routine tests; and

Whereas, unless the Legislature clarifies the applicability of Title 22, chapter 157-A before the adoption of rules by the departments, those rules may result in unintended burdens on those laboratories that are not intended to be subject to the mandatory certification requirements; 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. 22 MRSA §567, first ¶, as enacted by PL 1991, c. 499, §2 and affected by §26, is amended to read:

The laboratory director shall establish a laboratory certification program to ensure that all generated data of laboratories subject to the program is of

known and appropriate quality of precision and accuracy when utilized for departmental programs and programs administered by the Department of Environmental Protection.

Sec. 2. 22 MRSA §567, sub-§1, as enacted by PL 1991, c. 499, §2 and affected by §26, is amended to read:

1. Acceptable data. ~~Six~~ Except as provided in this subsection, 6 months after the adoption of rules specified in subsection 2, certification is required of any commercial, industrial, municipal, state or federal laboratory that analyzes water, soil, air, solid or hazardous waste, or radiological samples for the use of programs of the department or the Department of Environmental Protection, except as provided under chapter 411, the Maine Medical Laboratory Act; Title 26, chapter 7, subchapter III-A, Substance Abuse Testing; and Title 29, section 1312, subsection 6, administration of tests to determine blood-alcohol level or drug concentration. A laboratory operated by a waste discharge facility licensed pursuant to Title 38, section 413 may analyze waste discharges for total suspended solids, settleable solids, biological or biochemical oxygen demand, chemical oxygen demand, pH, chlorine residual, fecal coliform, E. coli, conductivity, color, temperature and dissolved oxygen without being certified under this section.

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

Effective March 25, 1994.

CHAPTER 538

H.P. 1308 - L.D. 1763

**An Act to Provide Enhanced
Enforcement Powers in the Maine
Banking Laws**

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

Whereas, there may exist situations within state-chartered financial institutions that may warrant officer or director removal; and

Whereas, there may exist situations within state-chartered financial institutions that may warrant closure and liquidation; and

Whereas, it is essential to align the state statutes with federal statutes and procedures in order to permit state regulators to act in concert with federal