

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

**INLAND FISHERIES AND
WILDLIFE,
DEPARTMENT OF**

Nongame Endangered Species

All Other \$10,000

Provides for an allocation to partially cover the costs of conducting a study on the level of contaminants found in baby eagles.

See title page for effective date.

CHAPTER 79

S.P. 691 - L.D. 1877

**An Act to Authorize the Artisans
School to Grant Degrees**

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

Sec. 1. Degree. The Artisans School, a corporation organized and existing under the laws of the State, may confer the Associate of Science degree on all students who successfully complete the course of study prescribed by the school, the first degree to be awarded at the end of the 1994-95 academic year.

See title page for effective date.

CHAPTER 80

H.P. 278 - L.D. 356

**An Act to Establish a Study Group on
Energy and the Environment**

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

Sec. 1. Externalities study; study group. The Chair of the Public Utilities Commission, the Director of the State Planning Office and the Commissioner of Environmental Protection constitute a study group for the purposes of conducting a study of externalities in accordance with the provisions of this Act.

1. Duties. To the extent possible, within available resources, the study group shall:

1994-95

A. Create a comprehensive library within the Public Utilities Commission of literature on environmental externalities. In creating the library, the study group shall create a separate file containing available summaries of the literature. The study group shall also identify specifically those portions of the literature that provide methods of evaluating the relative magnitude of different externalities;

B. Summarize state and federal environmental policies and regulations that presently impact the pricing of regulated and unregulated energy resources in Maine. The study group shall attempt, as far as possible, to quantify these impacts;

C. For the various energy resources, identify the most significant categories of environmental impacts that are not currently reflected in current pricing; and

D. Develop recommendations for preferred methods of accounting for the costs to society and the environment of environmental externalities.

For purposes of this section, the term "externalities" means those short-term and long-term impacts, with primary emphasis on environmental impacts, resulting from the extraction, production, transmission, consumption or utilization of energy or energy resources that are not accounted for or quantified in the context of state energy-regulatory decision making. For purposes of this section, "energy resources" includes energy derived from natural gas, coal, nuclear fuel, water, wind, demand-side management, biomass and refuse-derived fuel and petroleum products.

Sec. 2. Consultation. The study group may consult with any state agency, group or person, including, but not limited to, the Department of Transportation, the Maine Waste Management Agency, the Public Advocate and the Department of Human Services, Bureau of Health.

Sec. 3. Reports. On or before January 1, 1995, the study group shall provide an interim report to the joint standing committee of the Legislature having jurisdiction over utility matters outlining its progress in completing its study pursuant to section 1. On or before January 1, 1996, the study group shall provide its final report, with any accompanying recommendations for legislation, to the joint standing committee of the Legislature having jurisdiction over utility matters detailing the results of its study pursuant to section 1.

Sec. 4. Utilities committee authorized to report out a bill. The joint standing committee of the Legislature having jurisdiction over utility matters may report out a bill dealing with externalities to the First Regular Session or Second Regular Session of the 117th Legislature in response to the reports issued by the study group under section 3.

See title page for effective date.

CHAPTER 81

H.P. 1360 - L.D. 1839

An Act to Amend the Charter of the Berwick Sewer District

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

Whereas, in order to protect adequately the public's health and welfare and to comply with federal requirements, the Berwick Sewer District needs immediately the power to assess administrative penalties against industrial users who violate the district's pretreatment standards; 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. P&SL 1963, c. 154, §5, as amended by P&SL 1989, c. 103, is further amended to read:

Sec. 5. Offenses and penalties. Any person who ~~shall place, discharge or leave~~ places, discharges or leaves any offensive or injurious matter or material on or in the conduits, catch basins ~~or~~, receptacles or sewers of or used by said district contrary to its rules or regulations, or ~~shall~~ willfully ~~injure~~ injures any conduit, pipe, reservoir, flush tank, catch basin, manhole, outlet, engine, pump or other property held, owned or used by said district for the purposes of this act ~~shall be~~ is liable to pay twice the amount of the damages to said district, to be recovered in any proper action; and any person on conviction of either of the acts of willful injury ~~aforsaid shall~~ mentioned in this section may be punished by a fine not exceeding \$1,000 per day for each day in violation of the standards and requirements and by imprisonment not exceeding one year, or by both.

~~Any~~ Pursuant to the Maine Revised Statutes, Title 38, section 1252, subsection 8 and federal law, any industrial user who violates the pretreatment standards and requirements of the district ~~shall be~~ is subject to a fine ~~of not exceeding~~ \$1,000 per day for each day the industrial user is in violation of such standards and requirements. ~~The~~ In addition or as an alternative, the district may seek injunctive relief to ensure compliance with the terms of its pretreatment standards and requirements and may seek an award of reasonable attorney's fees in actions brought under this section.

Notwithstanding other civil or criminal penalties provided by federal or state law, except penalties sought by the district pursuant to Title 38, section 1252, subsection 8, the district may assess administrative penalties not exceeding \$1,000 per day for each violation by an industrial user of any pretreatment standard or requirement adopted by the district and contained in the district's rules. In assessing any penalties under this paragraph, the board must conduct its proceedings in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. An aggrieved party may appeal the decision of the board of trustees in accordance with the Maine Rules of Civil Procedure, Rule 80B. If the district assesses administrative penalties under this section, the district may not seek civil monetary penalties pursuant to Title 38, section 1252, subsection 8. Nothing in this paragraph prohibits the district from seeking injunctive relief pursuant to Title 38, section 1252, subsection 8 in addition to administrative penalties assessed under this paragraph.

Sec. 2. P&SL 1963, c. 154, §6-A is enacted to read:

Sec. 6-A. Inspections; rules and regulations; permits. The district shall prevent the discharge into the sewers of substances that might damage the district's sewage treatment facilities or interfere with their maintenance and operation, pass through to the receiving waters or endanger the health and safety of any district employee. The district's officers, employees and agents have free access at reasonable times to all premises served by the district's sewage treatment facilities in order to inspect the sewers, drains, sewage pumping stations, tanks or treatment works and to determine the amount and character of sewage, drainage or other wastes flowing from the sewers, drains, sewage pumping stations, tanks or treatment works and whether sewage, drainage or other wastes damage or impair, or are likely to damage or impair, the district's sewage treatment facilities, interfere with their maintenance or operation, pass through to the receiving waters or endanger the health and safety of any district employee.