

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
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child resides with the parent, unless that access is found not to be in the best interest of the child or that access is found to be sought for the purpose of causing detriment to the other parent. If that access is not ordered, the court shall state in the order its reasons for denying that access; and

C. A statement that violation of the order may result in a finding of contempt and imposition of sanctions as provided in subsection 6-A.

Sec. 6. 19 MRSA §752, sub-§6-A is enacted to read:

6-A. Violation of order. Either parent may petition the court for a hearing on the issue of noncompliance with the order issued under subsection 6. If the court finds that a parent has violated a part of the order, the court may find that parent in contempt and may do one or more of the following:

A. Require additional or more specific terms and conditions consistent with the order;

B. Order that additional visitation be provided for a parent to take the place of visitation that was wrongfully denied; and

C. Order a parent found in contempt to pay a fine of at least \$100.

See title page for effective date.

CHAPTER 173

S.P. 113 - L.D. 288

An Act Preventing Increases in Certain Processing and Permitting Fees in the Department of Environmental Protection

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

Whereas, increases in certain processing and permitting fees for the Department of Environmental Protection are scheduled to go into effect on July 1, 1995; and

Whereas, the purpose of this Act is to reduce certain processing and permitting fees for the Department of Environmental Protection that will go into effect on July 1, 1995; 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 preserva-

tion 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 §352, sub-§5-A, as amended by PL 1993, c. 735, §§3 and 4 and affected by §13, is further amended by amending TABLE I to read:

TABLE I

MAXIMUM FEES IN DOLLARS

TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
656, sub-§1, ¶E, Pollution Control Facilities		
A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control facilities	\$250	\$20
B. Air pollution control and §1760, sub-§30, air pollution control facilities	250	20
TITLE 38 SECTION	PROCESSING FEE	LICENSE FEE
344, sub-§7, Permit by rule	\$50	\$0
362-A. Experiments	175	175
413, Waste discharge licenses		
A. Residential (10-year term)	450	150
B. Commercial (10-year term)		
1. Flow of less than 2,000 gallons per day	4,800	1,280
2. Flow of 2,000 to 20,000 gallons per day inclusive	4,800	4,000
3. Flow of greater than 20,000 gallons per day	4,800	9,600
C. Industrial minor (based upon EPA list of major and minor source discharges)		
1. Discharges of cooling water, sanitary wastewater or treated storm water only	1,500	480
2. All others	1,500	6,000

D. Industrial major (based upon EPA list of major source discharges)			E. Condition compliance	84	0
1. Discharge of cooling water or sanitary wastewater only	4,800	3,000	F. Minor modification	184	0
2. All others	4,800	8,800	485-A, Site location of development		
E. Publicly owned treatment works			A. Residential subdivisions		
1. Flow of less than or equal to 50,000 gallons per day and no significant industrial component	100	400	1. Affordable housing	134/lot	50/lot
2. Flow of greater than 50,000 gallons per day, but less than 0.5 million gallons per day and no significant industrial component	100	1,400	2. On public water or sewer	320/lot	175/lot
3. Flow of at least 0.5 million gallons per day, but less than 5 million gallons per day and no significant industrial component	100	3,600	3. All others	460/lot	250/lot
4. Flow of at least 5 million gallons per day or a significant industrial component	300	5,400	B. Industrial parks	460/lot	460/lot
F. Special discharges			C. Mining, except metallic mineral mining. The owner or operator of a licensed mining operation, excluding metallic mineral mining, must pay an annual fee of \$620 by March 1st of each year, beginning the year following the calendar year the license is issued	3,600	1,800
1. Aquatic pesticides	130	75	D. All other developments	5,600	2,000
2. Dredge spoils	130	75	E. Condition compliance	100	0
418, Log storage	55	25	F. Minor modification	184	0
451, Mixing zones	1,200	2,200	G. Transfer	100	0
451-A, Time schedule variances	25	25	A. Residential subdivisions		
480-E, Natural resources protection			<u>1. Affordable housing</u>	50/lot	50/lot
A. Any alteration of a protected natural resource, except coastal wetlands and coastal sand dunes, causing less than 20,000 square feet of alteration of the resource	140	50	<u>2. On public water and sewers</u>	175/lot	175/lot
B. Any alteration of a coastal wetland causing less than 20,000 square feet of alteration of the resource	240	60	<u>3. All Other</u>	250/lot	250/lot
C. Any alteration of a protected natural resource, except coastal sand dunes, causing 20,000 square feet or more of alteration of the resource	.015/sq. ft. alteration	005/sq. ft. alteration	B. Industrial parks	460/lot	460/lot
D. Any alteration of a coastal sand dune	3,500	1,500	C. Mining	1,500	1,000
			D. Structures	4,000	4,000
			E. Other	1,000	1,000
			543, Oily waste discharge	40	160
			560, Vessels at anchorage	125	100
			587, Ambient air quality or emissions standards variances	5,050	50
			590, Air emissions licenses	See section 353-A	
			633, Hydropower projects		
			A. New or expanded generating capacity	450/MW	50/MW
			B. Maintenance and repair or other structural alterations not involving an increase in generating capacity	150	50
			1101, Sanitary districts	150	50
			33 United States Code, Chapter 26, Water Quality Certifications, in conjunction with applications for hydropower project licensing or relicensing		
			A. Initial consultation	1,000	0
			B. Second consultation	1,000	0
			C. Application		
			1. Storage	1,000	0
			2. Generating	300/MW	50/MW

1304, Waste management		
A. Septage disposal		
1. Site designation	50	25
B. Land application of sludges and residuals program approval		
1. Industrial sludge	400	400
2. Municipal sludge	300	275
3. Bioash	300	275
4. Wood ash	300	75
5. Food waste	300	75
6. Other residuals	300	175
C. Landfill		
1. Closing plans for nonmunicipal landfills	1,500	1,500
2. Closing plans for municipal landfills	500	500
3. Variance requests for attenuation landfills	175	175
4. Preliminary information reports	175	175
5. License transfers	500	175
6. Special waste disposal		
a. One-time disposal of quantities of 6 cubic yards or less	50	50
b. One-time disposal of quantities greater than 6 cubic yards	100	100
c. Program approval for routine disposal of a special waste	300	300
D. Incineration facility		
1. Fuel substitution activities	1,575	1,500
2. License transfer	175	175
E. License transfer other than for landfills and incinerators	100	100

Sec. 2. PL 1993, c. 735, §9 is repealed.

Sec. 3. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	1995-96	1996-97
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
All Other	(\$120,000)	(\$120,000)

Deallocates funds to reflect a loss of revenues from decreased license fees.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect on July 1, 1995.

Effective July 1, 1995.

CHAPTER 174

H.P. 14 - L.D. 8

An Act Regarding School Employees Serving on School Boards

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

Sec. 1. 20-A MRSA §1002, sub-§4 is enacted to read:

4. Employees serving on school boards in school unions. An employee or the spouse of an employee of a school administrative unit may not serve on the school board of another school administrative unit when the 2 school administrative units are members of the same school union and have the same superintendent of schools.

Sec. 2. Application. This Act applies to all school board members elected to office on or after the effective date of this Act.

See title page for effective date.

CHAPTER 175

S.P. 265 - L.D. 705

An Act to Discourage Prescription Drug Fraud

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

Sec. 1. 32 MRSA §13795 is enacted to read:

§13795. Photographic proof of identification

1. Photographic proof of identification. As a precondition to filling any prescription or dispensing any drug, a pharmacist or person acting at the direction of a pharmacist may demand, inspect and record proof of identification, including valid photographic identification, from any patient presenting a prescription or any person acting on behalf of the