

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
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TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
1995

CHAPTER 282

S.P. 493 - L.D. 1352

An Act to Amend the Laws Relating to Administrator Certification

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

Sec. 1. 20-A MRSA §13019-F is enacted to read:

§13019-F. One-year conditional certificates for administrators

An individual may be granted a one-year, nonrenewable conditional administrator certificate in a specific capacity if the individual:

1. Conditional administrator certificate. Will be employed in this State under that one-year nonrenewable conditional administrator certificate;

2. Basic level knowledge areas. Meets a majority of the basic level knowledge areas described in sections 13019-A, 13019-B and 13019-C; and

3. Other requirements. Meets other requirements in accordance with state board rules that are adopted pursuant to this section.

See title page for effective date.

CHAPTER 283

S.P. 350 - L.D. 978

An Act to Transfer Responsibility for Approval of Employee Assistance Programs

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

Sec. 1. 26 MRSA §683, sub-§1, ¶B, as affected by PL 1989, c. 604, §§2 and 3, is amended to read:

B. The employee assistance program must be certified by the ~~Department of Human Services~~ Office of Substance Abuse under rules adopted pursuant to section 687. The rules ~~shall~~ must ensure that the employee assistance programs have the necessary personnel, facilities and procedures to meet minimum standards of professionalism and effectiveness in assisting employees.

Sec. 2. 26 MRSA §687, sub-§1, as affected by PL 1989, c. 604, §§2 and 3, is amended to read:

1. Office of Substance Abuse. ~~The Department of Human Services~~ Office of Substance Abuse shall adopt rules under the Maine Administrative Procedure Act, Title 5, chapter 375, as provided in this subchapter.

Sec. 3. 26 MRSA §688, as affected by PL 1989, c. 604, §§2 and 3, is amended to read:

§688. Substance abuse education

All employers shall cooperate fully with the Department of Labor, ~~Office of Substance Abuse~~, the Department of Human Services, the Department of Public Safety and any other state agency in programs designed to educate employees about the dangers of substance abuse and about public and private services available to employees who have a substance abuse problem.

See title page for effective date.

CHAPTER 284

H.P. 1023 - L.D. 1438

An Act to Create Wet-weather Water Quality Standards

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

Sec. 1. 38 MRSA §464, sub-§2-B is enacted to read:

2-B. Temporary removal of designated uses; use attainability analysis and creation of subcategory of uses for combined sewer overflows. When designated uses are not being met as a result of combined sewer overflow discharges, the board may, consistent with this subsection and 40 Code of Federal Regulations, Part 131, temporarily remove designated uses that are not existing uses and create a temporary combined sewer overflow subcategory referred to as a CSO subcategory. Notwithstanding this subsection, it remains the goal of the State to fully maintain and restore water quality and eliminate or control combined sewer overflows as soon as practicable.

A. The board may create temporary CSO subcategories in classes B, C and SB and SC waters only when, due to the age, condition and design of an existing sewer system, technical or financial limitations prevent the timely attainment of all designated uses. In a CSO subcategory, uses are suspended only in the smallest area possible, for the shortest duration practicable and include only those designated uses and areas determined by the board to have the least potential for public benefit.

B. Notwithstanding subsections 2 and 2-A, CSO subcategories may be created by the board upon application by a municipality or quasi-municipality having licensed combined sewer overflow discharges, if the following standards are met.

(1) The applicant submits to the department for approval, with or without conditions, a study and plan, including an implementation schedule, for combined sewer overflow abatement, referred to as the CSO plan. In order for the board to create a CSO subcategory, the CSO plan must:

(a) Place high priority on abatement of combined sewer overflows that affect waters having the greatest potential for public use or benefit and plan to relocate any remaining discharges to areas where minimal impacts or losses of uses would occur; and

(b) Provide for the implementation as soon as practical of technology-based control methods to achieve best practicable treatment or ensure that cost-effective best management practices are being implemented.

(2) The board finds that attainment of a designated use is not feasible and such determination must be supported by demonstration that the conditions of 40 Code of Federal Regulations, Part 131.10(g) are met.

(3) The board finds that the uses to be affected are not existing uses as defined in subsection 4, paragraph F, subparagraph (1).

(4) The board finds that discharges from combined sewer overflows are not affecting uses that, in the board's judgment, constitute high value or important resources. In determining if a resource is high value or important the board shall consider its economic, recreational and ecological significance, the likelihood that removal of a combined sewer overflow will lead to utilization of that resource and the effects of other discharges or conditions on that resource.

C. Prior to creating any CSO subcategory, the board shall adopt rules regarding required studies, best practicable treatment, abatement options and related issues for combined sewer overflows. CSO subcategories may be created only after completion of the following.

(1) Either during or following development of combined sewer abatement plans, licensees shall conduct public hearings in the area that would be affected by a CSO subcategory. Notices and records of hearings must be kept and included as part of an application made to the board.

(2) Combined sewer overflow abatement plans must be submitted to the department for technical review and approval.

(3) Licensees proposing CSO subcategories shall submit formal applications to the board. Information in the application must include: description of the areas and uses to be affected, the time and duration of effects, comments received at public hearings, a description of continuing efforts to abate impacts and proposals for periodic review and update of abatement plans.

(4) The board shall provide public notice of applications for CSO subcategories and solicit public comments. The board shall also consult with agencies, public officials and other persons identified as having interest in the area to be affected. Based on the results of public hearings held by the applicant, the comments received and the nature of the application, the board may hold a public hearing.

(5) The board may approve, approve with conditions or deny applications for CSO subcategories. In cases when a water body is affected by combined sewer overflows from more than one licensee, the board shall, to the maximum extent possible, consider regional impacts and seek to establish common goals and uses for those waters.

(6) In a manner prescribed by the board, applicants receiving approval of CSO subcategories shall provide notice to the public in the area affected, describing the limitations on use of the water body.

D. Upon creation of a CSO subcategory and removal of a designated use, the board may temporarily suspend or modify water quality criteria associated with that use as appropriate, but only to the extent and duration that those criteria are affected by the licensee for whom the assignment is made. Action by the board under this subsection does not relieve other discharge sources from any requirement to provide necessary treatment or best management practices or to comply with water quality criteria.

E. Either independently or in conjunction with the requirements of subsection 3 and upon renewal of individual waste discharge licenses, the department shall periodically review all CSO subcategories. Reviews of CSO subcategories must take into consideration water quality criteria and uses, combined sewer overflow abatement technology, monitoring data, financial information and regulatory requirements affecting CSO subcategories.

Upon petition by the department or any person or on its own motion, the board may, at its discretion, and following notice and opportunity for hearing, revise or revoke a CSO subcategory when it finds any change in the conditions under which the existing designation was made. The failure to comply with the measures specified in an approved combined sewer overflow abatement plan is cause for revocation of a CSO subcategory.

Sec. 2. 38 MRSA §466, sub-§2-B is enacted to read:

2-B. Combined sewer overflow. "Combined sewer overflow" means a discharge of excess wastewater from a municipal or quasi-municipal sewerage system that conveys both sanitary wastes and storm water in a single pipe system and that is in direct response to a storm event or snowmelt. Combined sewer overflow discharges do not include dry weather discharges that occur as a result of nonstorm events or are caused solely by groundwater infiltration.

See title page for effective date.

CHAPTER 285

H.P. 977 - L.D. 1386

An Act to Make Minor Adjustments to the 1993 Apportionment Plan

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

Sec. 1. 21-A MRSA §1203, sub-§11, ¶A, as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Knox County, the municipality of Appleton; and ~~the following census units of the municipality of Hope: Block 101, Block 102, Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, Block 109, Block 110, Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, Block 121, Block 122, Block 123, Block 124, Block 125, Block 126, Block 128, Block 144, Block 145, Block 146, Block 147, Block 148, Block 149, Block 155, Block~~

~~156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 178, Block 179 and Block 180 of BNA 013/9703; and~~

Sec. 2. 21-A MRSA §1203, sub-§12, ¶A, as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Knox County, the municipalities and unorganized territories of Camden, Criehaven unorganized territory, Cushing, Friendship, Hope, Isle Au Haut, Matinicus Isle Plantation, North Haven, Owls Head, Rockland, Rockport, St. George, South Thomaston, Thomaston, Union, Vinalhaven, Warren and Washington; ~~and the following census units of the municipality of Hope: Block 127, Block 129, Block 130, Block 131, Block 132, Block 133, Block 134, Block 135, Block 136, Block 137, Block 138, Block 139, Block 140, Block 141, Block 142, Block 143, Block 150, Block 151, Block 152, Block 153, Block 154, Block 163, Block 164, Block 165, Block 166, Block 167, Block 168, Block 169, Block 170, Block 171, Block 172, Block 173, Block 174, Block 175, Block 176, Block 177, Block 181, Block 182 and Block 434 of BNA 013/9703.~~

Sec. 3. 21-A MRSA §1204, sub-§65, ¶A, as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Franklin County, the municipalities and unorganized territories of Coplin Plantation, Dallas Plantation, Eustis, Madrid, North Franklin unorganized territory, Rangeley Plantation, Rangeley, Sandy River Plantation, Weld and West Central Franklin unorganized territory; and the following census units of East Central Franklin unorganized territory: Block 103, Block 104, Block 105, Block 106, Block 107, Block 108, ~~Block 110,~~ Block 111, Block 112, Block 113, Block 114, Block 115, Block 116, Block 117, Block 118, Block 119, Block 120, ~~and Block 121, Block 168 and Block 169 of BNA 007/9905; and~~

Sec. 4. 21-A MRSA §1204, sub-§66, ¶A, as enacted by PL 1993, c. 628, §2, is amended to read:

A. In Franklin County, the municipalities and unorganized territories of Carrabassett Valley, Kingfield, New Vineyard, Salem unorganized territory and Wyman unorganized territory; and the following census units of East Central Franklin unorganized territory: Block 139, Block 141, Block 142, ~~Block 143, Block 145, Block 146, Block 148,~~ Block 149, Block 150, Block 151, Block 152, Block 153, Block 154, Block 155, Block 156, Block 157, Block 158, Block 159, Block 160, Block 161, Block 162, Block 163, ~~Block 164, Block 165, Block 166, Block 167, Block 170, Block 171, Block 172,~~