

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
1995

F. Has not had a license revoked pursuant to chapter 23, subchapter V, within the preceding 6-year period; and

G. Has not received an OUI conviction, as defined in section 2401, subsection 9, within the preceding 6-year period.

Sec. 2. 29-A MRSA §2303, sub-§6 is enacted to read:

6. Waiver of skill and road test. The Secretary of State may waive the skill and road tests for an applicant who has a valid authorization from another state to operate a school bus. The applicant for whom the skill and road tests are waived must comply with all other applicable state and federal requirements governing the issuance of school bus operator endorsements.

See title page for effective date.

CHAPTER 311

S.P. 436 - L.D. 1204

An Act to Wind Up the Affairs of the Maine Medical and Hospital Malpractice Joint Underwriting Association

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

Sec. 1. 24 MRSA c. 20, as amended, is repealed.

Sec. 2. Decision of Superintendent of Insurance ratified. The decision of the Superintendent of Insurance to approve the assumption agreement between the Maine Medical and Hospital Malpractice Joint Underwriting Association and Healthcare Underwriters Mutual Insurance Company, dated March 31, 1995, and the distribution of the net surplus of the joint underwriting association is ratified by this section. The Maine Medical and Hospital Malpractice Joint Underwriting Association is authorized to wind up its affairs in accordance with the decision of the Superintendent of Insurance.

Sec. 3. Effective date. Section 1 of this Act takes effect December 31, 1995.

See title page for effective date, except as otherwise indicated.

CHAPTER 312

S.P. 328 - L.D. 909

An Act to Establish Temperature Limits for Certain Existing Discharges

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

Whereas, industrial dischargers may be affected by the application of an existing temperature rule in June 1995 with which, after application of best practicable treatment, they are unable to comply; 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. 38 MRSA §464, sub-§4, ¶I is enacted to read:

I. Temperature limits for certain facilities are governed by the following provisions.

(1) Dischargers licensed by the department prior to January 11, 1989 that raise the temperature of the receiving water more than 0.5°F when the receiving water temperature is above 66°F, as measured outside a mixing zone, and that have demonstrated to the satisfaction of the department that they are unable to meet the standards in the existing temperature rule after application of best practicable treatment, are limited to discharging heat in an amount not exceeding the heat that has been discharged since January 11, 1989. The quantity of heat discharged during a 7-day period may not exceed the maximum heat discharged in any 7-day period between January 11, 1989 and January 11, 1995. The 7-day maximum quantity of heat discharged must be used to establish the interim license effluent limit that protects existing uses. The amount of heat discharged on any single day may not exceed 1.15 times the maximum 7-day average.

(2) The department shall develop, in consultation with the affected dischargers, facility-specific solutions and, no later than January 1, 1996, appropriate amendments

to the license of the affected dischargers must be proposed. Until the facility-specific solutions are implemented, which in no case may be later than January 1, 1999, the criteria for temperature are the criteria established in subparagraph (1).

(3) This paragraph is repealed January 1, 1999.

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

Effective June 26, 1995.

CHAPTER 313

S.P. 385 - L.D. 1062

An Act to Reduce Duplicative Reporting

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

Whereas, existing rules of the Department of Environmental Protection require businesses in this State to submit hazardous air pollutant inventory statements by July 1st of each year; and

Whereas, it is not necessary to the development and maintenance by the State of an adequate hazardous air pollutant emissions inventory to collect data on an annual basis; and

Whereas, it is essential that state personnel and resources and personnel and resources of the regulated community be expended efficiently and that reporting of hazardous air pollutant emissions data be required only to the extent necessary; 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. 38 MRSA §585-C, sub-§2, ¶B, as amended by PL 1989, c. 890, Pt. B, §160 and affected by Pt. A, §40, is further amended to read:

B. In conducting this inventory, the commissioner may rely upon questionnaires or other reasonable methods, including those established by the United States Environmental Protection

Agency, for the purpose of carrying out this duty as promptly and efficiently as possible. The commissioner shall clearly indicate on any requests for information the minimum amount of emissions that must be reported. The commissioner may not require reporting of this information more frequently than every other year.

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

Effective June 26, 1995.

CHAPTER 314

H.P. 558 - L.D. 759

An Act to Prevent and Abate Uncontrolled Tire Stockpiles

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

Sec. 1. 38 MRSA §1310-AA is enacted to read:

§1310-AA. Use of unauthorized tire management site or facility

A person may not dispose, store or process or cause to be disposed, stored or processed used motor vehicle tires at a site or facility in this State that:

1. Uncontrolled tire stockpile. Is an uncontrolled tire stockpile that is the subject of an order of the commissioner pursuant to section 1316-A; or

2. Unlicensed, unauthorized site of facility. Is unlicensed, unless the facility is exempt from licensing or otherwise authorized under state law to dispose, store or process such tires.

The department shall maintain a current list of uncontrolled tire stockpiles and of licensed and authorized tire management sites and facilities and shall make the list available upon request to any interested party.

Sec. 2. 38 MRSA §1316-A, as enacted by PL 1991, c. 517, Pt. A, §2, is amended by adding at the end a new paragraph to read:

The Office of the State Fire Marshal may employ its enforcement powers as authorized in Title 25, section 2396 to require a responsible party or parties to take any action necessary to protect public health and safety from substantial and immediate fire danger posed by an uncontrolled tire stockpile.