

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

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(3) This paragraph is repealed January 1, 1999.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

Sec. 3. 38 MRSA §1316-B, sub-§§5 and 6, as enacted by PL 1991, c. 517, Pt. A, §2, are amended to read:

5. Alter. Have the physical characteristics of the stockpile site altered, including the construction of fire lanes, fire or pollution barriers or other necessary site remediation activity; ~~or~~

6. Close. Permanently close the stockpile and prohibit the use of the site for the storage or disposal of used motor vehicle tires; or

Sec. 4. 38 MRSA §1316-B, sub-§7 is enacted to read:

7. Consultation. Consult with the Office of the State Fire Marshal regarding on-site fire abatement and control measures.

See title page for effective date.

CHAPTER 315

H.P. 797 - L.D. 1114

An Act to Amend the Law Regarding the Possession of Short Lobsters

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

Sec. 1. 12 MRSA §6402-B, as enacted by PL 1993, c. 550, §1, is amended to read:

§6402-B. Suspension based on 2 or more convictions of possessing short lobsters

Notwithstanding section 6401, subsection 2, the commissioner shall suspend the lobster and crab fishing license of any ~~licenseholder~~ license holder convicted of a 2nd or subsequent offense of possessing a lobster smaller than the minimum size established in section 6431, subsection 1 if the conviction of the 2nd or subsequent offense involved possession of 3 or more lobsters smaller than that minimum size. ~~The suspension is for a period of 3 years from the date of conviction.~~

1. Second offense. For a 2nd conviction the commissioner shall suspend the license for at least one year from the date of conviction and may suspend the license for up to 3 years.

2. Third or subsequent offense. For a 3rd or subsequent conviction, the commissioner shall suspend the license for 3 years from the date of conviction and may permanently revoke the license holder's license.

3. Offenses after July 1, 1994. Subsections 1 and 2 apply only if that person's first conviction for possessing a lobster smaller than the minimum size established in section 6431, subsection 1 was for an offense that occurred after July 1, 1994.

See title page for effective date.

CHAPTER 316

S.P. 277 - L.D. 749

An Act to Prohibit Any State or Independent Agency from Establishing Private Accounts

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

Sec. 1. 5 MRSA §1541, sub-§12-A, as enacted by PL 1985, c. 761, Pt. G, §9, is repealed.

Sec. 2. 5 MRSA §1550 is enacted to read:

§1550. Conference fee accounts

If a state agency conducts a conference, workshop or seminar for which fees are charged to defray the costs of the conference, workshop or seminar, including information disseminated at these programs, the state agency must establish an account for the sole purpose of receiving and expending reasonable fees for the operation of the conference, workshop or seminar. Conference fee accounts are subject to the following.

1. Prior approval required. Any conference fee account must receive prior approval by the Department of Administrative and Financial Services through the Bureau of Accounts and Control.

2. Certain uses prohibited. Expenditures from the personal services category and transfers to other accounts are not permitted from a conference fee account. Any item, equipment or other property purchased from the capital expenditure category is state property.

3. Account balance to carry forward once. At the end of the fiscal year, any balance remaining for a given event may carry forward once and other balances lapse to the General Fund undedicated revenue.

4. Misapplication from a conference fee account. A person is guilty of misapplication from a conference fee account if that person intentionally or knowingly violates any of the restrictions contained in