

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

Sec. 15. 12 MRSA §8885, sub-§1-A is enacted to read:

1-A. Alternate harvest report. The director may develop alternate forms for or methods of collecting harvest information from landowners who do not harvest timber on a regular basis. The director shall define landowners subject to the provisions of this subsection and provide report forms pursuant to section 8883, subsection 2.

Sec. 16. 12 MRSA §8885, sub-§2-A is enacted to read:

2-A. Report on clear-cuts. When timber harvesting produces a clear-cut as defined in section 8868, the landowner shall report to the director the acreage of the clear-cut and the purpose of the clear-cut.

Sec. 17. 12 MRSA §8885, sub-§3, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

3. Reports. Reports required under subsections 1 shall be and 2 are due January 1st and July 1st. Reports required under subsection 2 shall be due during the month of January. If the period of cutting under subsections subsection 1 or 2 extends beyond December 31st of any calendar year, a report shall be submitted during the month of January for the preceding year. A person filing a harvest notification form pursuant to section 8883 must complete and return to the bureau a harvest report whether or not the landowner has harvested that year.

Sec. 18. 12 MRSA §8886, sub-§2, as enacted by PL 1989, c. 555, §12 and affected by c. 600, Pt. B, §11, is amended to read:

2. Annual price reports. The bureau shall publish, ~~semiannually~~ annually, a report on prices as specified below. These reports ~~shall~~ must be reported by zones as determined by the director and ~~shall~~ must include a statewide average of all zones.

A. The reports ~~shall~~ must include stumpage prices paid for forest tree species of the State as reported pursuant to section 8885. Prices for other forest products may be collected using acceptable survey techniques.

B. The reports ~~shall~~ must include mill delivered prices paid by primary processors, wood wholesalers and wood brokers of the State.

See title page for effective date.

CHAPTER 721

H.P. 1669 - L.D. 2292

An Act to Revise the Salaries of Certain County Officers

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has become necessary to revise the salaries of certain county officers; and

Whereas, it is desired to have these revisions retroactive to January 1, 1998; 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. 30-A MRSA §2, sub-§1-B, as amended by PL 1997, c. 448, §§1 and 2 and as affected by §3, is repealed and the following enacted in its place:

1-B. County officers' salaries. Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702 are not required to obtain legislative approval of the salaries of county officers under this section. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in those counties whose budgets require legislative approval under section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows:

1998

A. Androscoggin County:

(1) Commissioners

| | |
|----------------------------|---------|
| (a) Chair | \$6,536 |
| (b) Members | 5,595 |
| (2) Treasurer | 21,007 |
| (3) Sheriff | 33,455 |
| (4) Judge of Probate | 12,689 |
| (5) Register of Probate | 10,712 |
| (6) Register of Deeds | 27,495 |
| B. Kennebec County: | |
| (1) Commissioners | |
| (a) Chair | \$7,587 |
| (b) Members | 7,154 |
| (2) Treasurer | 9,452 |
| (3) Sheriff | 40,170 |
| (4) Judge of Probate | 20,131 |
| (5) Register of Probate | 25,410 |
| (6) Register of Deeds | 27,391 |

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 1998.

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

Effective April 7, 1998.

CHAPTER 722

S.P. 856 - L.D. 2269

An Act to Reduce Mercury Use and Emissions

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

Sec. 1. 38 MRSA §420, sub-§1, ¶A, as amended by PL 1983, c. 566, §23, is further amended to read:

A. ~~Any~~ Except as otherwise provided in this subsection, any person, firm, corporation or other legal entity who, on January 1, 1971, was discharging any of the substances mentioned in this subsection in connection with an industrial process ~~shall not be deemed~~ may not be considered in violation of this subsection if, on or be-

fore December 31, 1971, it filed with the board a statement indicating the amount of the substance so discharged on that date. This paragraph is repealed January 1, 2004.

Sec. 2. 38 MRSA §420, sub-§1, ¶A-1 is enacted to read:

A-1. Notwithstanding paragraph A, after January 1, 2000 a discharge from any facility subject to paragraph A must be less than 454 grams, or one pound, per year and after January 1, 2002 such a discharge must be less than 45 grams, or 0.1 pound, per year. This paragraph is repealed January 1, 2004.

Sec. 3. 38 MRSA §585-B, sub-§5 is enacted to read:

5. Standards for mercury. Notwithstanding subsection 1, an air emission source may not emit mercury in excess of 45.4 kilograms, or 100 pounds, per year after January 1, 2000 and 22.7 kilograms, or 50 pounds, per year after January 1, 2004. Compliance with these limits must be specified in the license of the air emission source. The board shall establish by rule testing protocols and measurement methods for emissions sources for which the board has not established such protocols and methods for determining compliance with the emission standard for mercury. These rules are routine technical rules under Title 5, chapter 375, subchapter II-A.

An air emission source may apply to the board for an extension or modification of the 22.7-kilogram, or 50-pound, limit as follows.

A. An emission source may submit an application to the board no later than January 1, 2003 for a 6-month extension of the January 1, 2004 deadline to meet the 22.7-kilogram, or 50-pound, limit. The board shall grant the extension if the board determines, based on information presented by the source, that compliance with the limit is not achievable by the deadline due to engineering constraints, availability of equipment or other justifiable technical reasons.

B. An emission source may submit an application to the board no later than January 1, 2003 for a license modification establishing an alternative emission limit for mercury. The board shall grant the license modification if the board finds that the proposed mercury emission limit meets the most stringent emission limitation that is achievable and compatible with that class of source, considering economic feasibility.

Pending a decision on an application for an extension or a license modification under this subsection, the