

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

| | |
|----------------------------|---------|
| (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 This paragraph is repealed January 1, 2004.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 This paragraph is repealed January 1, 2004.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

45.4-kilogram, or 100-pound, limit applies to the emission source.

Notwithstanding the January 1, 2000 compliance date in this subsection, a resource recovery facility that is subject to an emissions limit for mercury adopted by rule by the board before January 1, 2000 shall comply with the 45.4-kilogram, or 100-pound, mercury emissions limit after December 19, 2000.

Sec. 4. Economic development initiative.

Before April 1, 2000, the Land and Water Resources Council shall consult with representatives of the Town of Orrington and interested parties representing labor, environmental interests, business and economic development and the Penobscot Indian Nation for the purpose of identifying strategies or actions that may be taken to foster future economic development in Orrington that is compatible with the special status of the lower Penobscot River.

Sec. 5. Report; mercury-added products.

The Land and Water Resources Council shall submit a report, together with implementing legislation, to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 1999 on the following:

1. The establishment of a collection system through which mercury-added products sold or offered for sale in the State can be returned for recycling to the manufacturer of the products;

2. The labeling of products sold at retail that contain mercury, including thermostats, thermometers, electrical switches or other electrical devices, lighting devices, batteries and medical or scientific instruments. The labeling must be designed to inform the user that the product contains mercury and that the manufacturer is required to recycle the product; and

3. The imposition of a fee on the sale of mercury-added products in the State, with an evaluation of options for the use of revenues from the fee, including reimbursing resource recovery facilities for the expense incurred to meet mercury emissions limits and research and public education on reducing the sale of mercury-added products in the State and on reducing the release of mercury as a result of the combustion of wood or wood chips.

Sec. 6. Report; mercury discharges.

The Department of Environmental Protection shall evaluate the current discharge of mercury into the waters of the State and the current and potential methods for testing mercury discharges. The department shall report by February 1, 1999 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the following: facilities that are not in compliance with the water quality standards for mercury or with the Maine

Revised Statutes, Title 38, section 420; the results of effluent testing using more refined testing protocols; an evaluation of the sources of mercury in the discharge of facilities that have detectable quantities of mercury, including a review of incidental sources of mercury; the status of the United States Environmental Protection Agency's approval of effluent testing protocols; and the levels of natural concentrations of mercury in receiving waters.

See title page for effective date.

CHAPTER 723

S.P. 189 - L.D. 607

An Act to Exempt Nonprofit Ambulance and Fire Emergency Services from the State's Sales Tax

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

Whereas, this legislation amends the sales tax exemptions to include all nonprofit ambulance and fire companies from paying sales tax, which would help them in difficult economic times; and

Whereas, it is in the best interest of all the citizens of the State to have efficient and solvent nonprofit ambulance and fire services; 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. 36 MRSA §1760, sub-§26, as amended by PL 1971, c. 604, is further amended to read:

26. Nonprofit fire departments and nonprofit ambulance services. Sales to incorporated ~~volunteer~~ nonprofit fire departments and to incorporated ~~volunteer~~ nonprofit ambulance corps services.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1998.

Effective July 1, 1998.
