

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

A person who violates a provision of this subchapter or a rule adopted pursuant to this subchapter commits a civil violation for which a forfeiture of not less than \$100 or more than \$500 may be adjudged for each offense.

Sec. 10. 38 MRSA §490-Z, sub-§14, as enacted by PL 1995, c. 700, §35, is amended by amending the first paragraph to read:

14. Blasting. The applicant must ensure that the blasting is conducted in accordance with Title 25, ~~section 2444~~ chapter 318.

Sec. 11. 38 MRSA §568-A, sub-§2, ¶C, as enacted by PL 1995, c. 361, §5, is amended to read:

C. Conditional deductibles for aboveground facilities and tanks are as follows.

(1) For aboveground tanks subject to the jurisdiction of the State Fire Marshal pursuant to 16-219 CMR, chapter 317, the deductibles are:

(a) Five thousand dollars for failure to obtain a construction permit from the Office of the State Fire Marshal, when required under Title 25, ~~section 2444~~ chapter 318 and 16-219 CMR, chapter 317;

(b) Five thousand dollars for failure to design and install piping in accordance with section 570-K and rules adopted by the department;

(c) Five thousand dollars for failure to comply with an existing consent decree, court order or outstanding deficiency statement regarding violations at the aboveground facility;

(d) Five thousand dollars for failure to implement a certified spill prevention control and countermeasure plan, if required;

(e) Five thousand dollars for failure to install any required spill control measures, such as dikes;

(f) Five thousand dollars for failure to install any required overfill equipment;

(g) Five thousand dollars if the tank is not approved for aboveground use; and

(h) Ten thousand dollars for failure to report any leaks at the facility as required by law.

(2) For aboveground tanks subject to the jurisdiction of the Oil and Solid Fuel Board, the deductibles are:

(a) One hundred and fifty dollars for failure to install the facility in accordance with rules adopted by the Oil and Solid Fuel Board and in effect at the time of installation;

(b) Two hundred and fifty dollars for failure to conform an upgraded facility to the requirements provided in rules of the Oil and Solid Fuel Board;

(c) Two hundred and fifty dollars for failure to make a good faith effort to properly maintain the facility; and

(d) Five hundred dollars for failure to notify the department of a spill.

See title page for effective date.

CHAPTER 653

H.P. 1743 - L.D. 2449

An Act to Allow the State Police to Accept Funds from Private Entities for Services Provided

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

Sec. 1. 25 MRSA §1502, 4th ¶, as amended by PL 1993, c. 123, §1, is further amended to read:

~~The~~ Upon the request of a federal agency or other person, the State Police may provide assistance for public safety purposes only to the federal ~~agencies~~ agency or other person. The Chief of the State Police may charge the various federal agencies or other persons for these services. Revenues received from these agencies and other persons must be allocated for the purpose of funding the cost of providing the services. Beginning January 2001 and annually thereafter, the State Police shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than January 15th of each year concerning the assistance provided to federal agencies and other persons during the previous calendar year. The report must contain information about the types of services provided, the number of services and the fees charged by the Chief

of the State Police. This paragraph is repealed July 30, 2002.

See title page for effective date.

CHAPTER 654

H.P. 1767 - L.D. 2480

An Act to Allow Police Assistance in Emergency Situations

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

Sec. 1. 30-A MRSA §2674, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by adding a new 3rd paragraph to read:

If the request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality and when delay may cause further jeopardy to life or property, the police chief of any municipality or the chief's designee may request assistance from or provide assistance to another municipality whether or not an agreement between the 2 municipalities exists. Each police department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies.

See title page for effective date.

CHAPTER 655

S.P. 924 - L.D. 2375

An Act to Rid Maine's Waters of Ocean Vessel Sewage

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

PART A

Sec. A-1. Determination and plan regarding state marine sanitation device pump-out station needs and extent of no-discharge zone. The Department of Environmental Protection shall:

1. Review the number and location of all operational pump-out stations and waste reception facilities at public and private marinas and other boating access facilities within the coastal zone of the State;

2. Apply for grant money under the federal Clean Vessel Act of 1992, 106 Stat. 5086-5091 to construct, renovate, operate and maintain pump-out facilities and to conduct a program to educate vessel owners and operators about the problems caused by the discharge of sanitary waste from vessels;

3. Develop a plan for the construction, renovation or maintenance of pump-out facilities that are necessary to ensure that such facilities are adequate to meet the needs of watercraft using the coastal waters of the State and submit a report on the plan no later than January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over natural resources matters;

4. Develop a program to educate vessel owners and operators about the problem of sanitary waste discharges from vessels and inform them of the location of pump-out facilities;

5. No later than January 15, 2004, report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the status of implementing the plan developed pursuant to subsection 3, the adequacy of facilities for the safe and sanitary removal of sanitary waste from watercraft using significant harbors and bays in the State and plans for enforcement of no-discharge zones in the State;

6. No later than January 15, 2005, apply to the United States Environmental Protection Agency for designation of up to 50 significant harbors or bays in the territorial waters of the State, as identified by the Commissioner of Environmental Protection, as "no-discharge zones" pursuant to 33 United States Code, Section 1322. In identifying significant harbors and bays, the commissioner shall give priority to areas that are potentially commercially significant shellfish harvesting resources and areas that have significant boat traffic; and

7. No later than January 15, 2005, report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the feasibility of implementing a no-discharge zone for all the territorial waters of the State.

PART B

Sec. B-1. 38 MRSA §423-B, as enacted by PL 1989, c. 433, §2, is repealed and the following enacted in its place: