

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
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THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 129

H.P. 475 - L.D. 645

**An Act to Provide Additional
Financing for Costs Associated with
the Remediation of a Waste Oil Site
in Plymouth**

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

Whereas, Portland-Bangor Waste Oil Services, a defunct Maine corporation, operated a waste oil handling facility in Plymouth; and

Whereas, this site is contaminated and must be cleaned up expeditiously to protect the public health, safety and welfare; and

Whereas, investigation and cleanup of the site will be expensive; and

Whereas, under state and federal law, any entity that sent waste oil or other contaminants to the site is a "responsible party" and, as such, is jointly and severally liable for the cost of investigation and cleanup; and

Whereas, this liability may pose an extraordinary financial hardship to small businesses, municipalities and others who sent waste oil to the site; and

Whereas, some waste oil handled at the site was collected from households as a public service and it is in the public interest to ensure the continued financial viability of the service station owners and other small business owners who provided this service; and

Whereas, responsible parties at the Plymouth site have been asked to reimburse the United States Environmental Protection Agency for expenses incurred at that site; 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. 10 MRSA §1023-M, sub-§2, as amended by PL 2001, c. 561, §1, is further amended by amending the first paragraph to read:

2. Eligibility to participate in loan program. The authority may use money in the fund to carry out

any power of the authority under this section or under section 1026-S, including, but not limited to, the pledge or transfer and deposit of money in the fund as security for and the application of money in the fund in payment of principal, interest and other amounts due on insured loans. Money in the fund may be used for direct loans or deferred loans for all or part of the costs of the Plymouth waste oil site remedial study, past cost settlement, implementation of institutional controls selected by the United States Environmental Protection Agency to prevent use of contaminated groundwater by nearby residents and time-critical removal action costs when the authority determines that:

Sec. 2. 10 MRSA §1023-M, sub-§2, as amended by PL 2001, c. 561, §1, is further amended by amending the 3rd paragraph from the end to read:

Money in the fund may not be used for attorney's fees associated with costs of the Plymouth waste oil site remedial study, past cost settlement, implementation of institutional controls or time-critical removal action, except that money in the fund may be used for attorney's fees incurred for the preparation of restrictive covenants, including deed and title research, for the properties within the area identified by the United States Environmental Protection Agency as the institutional control zone in order to implement the institutional controls selected by the United States Environmental Protection Agency.

Sec. 3. 10 MRSA §1023-M, sub-§2-A, as enacted by PL 2001, c. 356, §7, is repealed.

Sec. 4. 10 MRSA §1023-M, sub-§3, as enacted by PL 2001, c. 356, §7, is amended to read:

3. Determinations regarding eligibility. ~~The authority shall establish a registry of all persons who qualify under subsection 2 to have a portion of their share of costs of the Plymouth waste oil site remedial study, past cost settlement and time-critical removal action costs paid pursuant to this section.~~ The authority shall adopt rules relating to eligibility, including the calculation of an eligible person's proportionate share, procedures to ensure that money paid pursuant to this section is used to settle an eligible person's liabilities related to the waste oil disposal site and repayment of any amounts in excess of that person's share. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 5. Deadline for applications. Applications submitted pursuant to the Maine Revised Statutes, Title 10, section 1023-M, subsection 2 must be received by the Finance Authority of Maine within 90 days after the effective date of this Act, except that the Finance Authority of Maine may extend that

deadline by an additional period of time not to exceed 60 days for good cause shown.

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

Effective May 13, 2003.

CHAPTER 130

H.P. 513 - L.D. 696

An Act Concerning the Adoption of Coastal Sand Dune Rules

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

Whereas, the Board of Environmental Protection is currently undertaking rulemaking regarding development in coastal sand dune systems; and

Whereas, immediate enactment of this Act is necessary to enable the Legislature to record its position on adoption of the rules; 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 §480-AA is enacted to read:

§480-AA. Coastal sand dune rules

Rules adopted by the board regarding development in coastal sand dune systems are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

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

Effective May 13, 2003.

CHAPTER 131

H.P. 427 - L.D. 564

An Act To Clarify the Responsibilities of the Department of Environmental Protection

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

Sec. 1. 38 MRSA §480-P, as enacted by PL 1987, c. 809, §2, is amended by inserting at the end a new paragraph to read:

For the purpose of receiving a permit for a transmission line or a pipeline under this article, outstanding river segments also include any other outstanding river and stream segments described in Title 12, section 403.

See title page for effective date.

CHAPTER 132

H.P. 266 - L.D. 323

An Act To Allow Modular Home Transporters To Obtain Trailer Transit Plates

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

Whereas, current law is unclear as to the use of transit plates by modular home transporters; and

Whereas, it is in the best interest of the public that this ambiguity be resolved as soon as possible; 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. 29-A MRSA §462, sub-§8, as repealed and replaced by PL 2001, c. 149, §1, is amended to read:

8. Trailer transit plate. A business that delivers or services mobile homes, leases or transports storage trailers or transports light trailers, modular homes or frames for transporting modular homes may apply for a trailer transit license and plate. The transit