

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

municipality that would achieve the necessary public purposes;

C. There are no reasonable alternatives to the project, including sites in other municipalities, that would achieve the necessary public purposes;

D. The project will result in public benefits beyond the limits of the municipality, including without limitation, access to public waters or publicly owned lands; and

E. The project is necessary to protect the public health, welfare or environment.

A decision to waive a restriction under this section may be appealed by the municipality or any aggrieved party to Superior Court.

See title page for effective date.

CHAPTER 596

S.P. 709 - L.D. 1863

An Act To Provide Additional Financing for Costs Associated with the Remediation of a Waste Oil Handling Facility 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-B and 2-C are enacted to read:

2-B. Deadline for applications. Applications submitted pursuant to subsections 2 and 2-C must be received within 90 days after the effective date of this subsection, except that the authority may extend that deadline by an additional period of time not to exceed 60 days for good cause shown.

2-C. Remedial design; technical impracticability study. In addition to the uses authorized in subsection 2, money in the fund may be used for direct loans or deferred loans for remedial design or a technical impracticability study. Money may be used for remedial design only if the authority determines that the applicant has signed the Administrative Order by Consent for remedial design in the matter of the West Site/Hows Corner, Maine. The provisions of subsection 2 apply to loans authorized under this subsection.

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

Effective April 6, 2004.

CHAPTER 597

S.P. 727 - L.D. 1879

An Act To Amend the Boiler and Pressure Vessel Law

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

Sec. 1. 32 MRSA §15109, sub-§2, as amended by PL 1997, c. 691, §2 and affected by PL 1999, c. 127, Pt. D, §5, is repealed.