

# 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**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**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.

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**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.

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**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.

**Sec. 2. 32 MRSA §15109, sub-§2-A** is enacted to read:

**2-A. Licenses.** In order to safeguard life, health and property, the board shall provide for the mandatory licensing of stationary steam engineers and boiler operators. This subsection does not apply to:

A. Persons operating boilers exempt under section 15102;

B. Persons employed by entities under the jurisdiction of the Public Utilities Commission or the United States Nuclear Regulatory Commission, or its successor; or

C. Persons operating steam heating boilers, hot water heating boilers and hot water supply boilers located in schoolhouses or owned by municipalities.

**Sec. 3. 32 MRSA §15109, sub-§7**, as amended by PL 2001, c. 323, §38, is further amended by repealing and replacing the first paragraph to read:

**7. Scope of licenses.** The scope of a boiler operator's license and 4 classes of engineering licenses is as set out in this subsection.

**Sec. 4. 32 MRSA §15109, sub-§7, ¶A**, as enacted by PL 1995, c. 560, Pt. H, §14 and affected by §17, is repealed.

**Sec. 5. 32 MRSA §15109, sub-§7, ¶B**, as amended by PL 2001, c. 323, §38, is further amended to read:

B. The holder of a ~~high-pressure~~ boiler operator's license may operate, supervise or have charge of a heating plant having a capacity of not more than 20,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. The applicant for a ~~high-pressure~~ boiler operator's license must have 6 months' operating experience prior to examination under a boiler operator's training permit. The board shall issue a permit for the purpose of gaining that experience upon receipt of an application fee and permit fee set by the director under subsection 9. Such permit must be limited to a specified plant and must be limited to one year. The board may extend the permit for a period not to exceed one year under unusual circumstances. The board may allow the owner of a small plant to sit for the ~~high-pressure~~ boiler operator's examination without first obtaining a boiler operator's training permit.

**Sec. 6. 32 MRSA §15109, sub-§7, ¶C**, as amended by PL 1999, c. 386, Pt. W, §18, is further amended to read:

C. The holder of a 4th-class engineer's license may have charge of a plant of not more than 50,000 #/HR or operate or supervise a plant up to the capacity of the license of the engineer in charge of the plant in which the licensee is employed. An applicant for a 4th-class engineer's license must be a high school graduate or have equivalent education and at least one year of operating or supervising experience under a duly licensed engineer having charge of a plant. An applicant for a 4th-class engineer's license must have at least one year operating or supervising experience as a ~~high-pressure~~ boiler operator.

See title page for effective date.

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## CHAPTER 598

S.P. 728 - L.D. 1880

### An Act To Amend the Laws Governing the Loring Development Authority of Maine

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

**Whereas**, Loring Development Authority of Maine is considering several projects in 2004; and

**Whereas**, one of these projects must commence construction in 2004; and

**Whereas**, the financing of this project must be completed as soon as possible; and

**Whereas**, there have been many changes to federal and state law dealing with bonding powers; and

**Whereas**, the Loring Development Authority of Maine's enabling statute was adopted in 1993; and

**Whereas**, it is imperative that the changes in this bill take effect immediately to have the Loring Development Authority of Maine's bonding powers be updated and conform to the bonding powers of other state agencies and federal law; 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,