

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
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FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 247

S.P. 229 - L.D. 692

**An Act To Require That Hazardous
Waste Be Removed from Junked
Vehicles**

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

Sec. 1. 30-A MRSA §3754-A, sub-§5, ¶A, as enacted by PL 2003, c. 312, §9, is amended to read:

A. All fluids, including, but not limited to, engine lubricant, transmission fluid, brake fluid, ~~battery acid~~ power steering fluid, hydraulic fluid, engine coolant, gasoline, ~~diesel fuel~~ and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water;

Sec. 2. 30-A MRSA §3754-A, sub-§5, ¶¶C and D, as enacted by PL 2003, c. 312, §9, are amended to read:

C. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; ~~and~~

D. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale, trade or personal use;

Sec. 3. 30-A MRSA §3754-A, sub-§5, ¶¶E to H are enacted to read:

E. A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed;

F. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition. Motor vehicles, appliances and other

items acquired by and on the premises of a junkyard or automobile graveyard prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable;

G. Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws, rules and regulations; and

H. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles, appliances and other items before crushing or shredding. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable.

Sec. 4. 30-A MRSA §3754-A, sub-§6-A is enacted to read:

6-A. Relationship to state storm water requirements. After October 30, 2005, municipal officers or county commissioners may reject an application for an automobile graveyard or automobile recycling business if the applicant has not demonstrated that:

A. A notice of intent has been filed with the Department of Environmental Protection to comply with the general permit provisions for storm water discharges; or

B. The Department of Environmental Protection has determined that a storm water discharge permit is not required.

Sec. 5. 30-A MRSA §3755-A, sub-§3, ¶H, as enacted by PL 1993, c. 173, §6, is amended to read:

H. Dismantling of a vehicle must be performed in accordance with the following standards.

(1) ~~The battery~~ Batteries must be removed.

(2) ~~Engine~~ All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid ~~and~~ power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel and oil, must be drained into watertight, covered containers and must be recycled or disposed of in accordance with applicable federal ~~or~~ and state laws, rules ~~or~~ and regulations.

(3) Fluids from a vehicle may not be permitted to flow or be discharged into or onto the ground.

(4) The recycling operation Storage, recycling or disposal of all fluids, refrigerant, batteries and mercury switches must comply with all applicable federal and state laws related to hazardous materials, rules and regulations.

(5) A log must be maintained of all motor vehicles handled that includes the date each vehicle was acquired, a copy of the vehicle's title or bill of sale and the date or dates upon which all fluids, refrigerant, batteries and mercury switches were removed.

(6) All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their own motor power or that are otherwise incapable of being driven under their own motor power within 180 days of acquisition. Motor vehicles acquired by and on the premises of an automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

(7) All fluids, refrigerant, batteries and mercury switches must be removed from vehicles before crushing or shredding. Fluids required to be removed under this subparagraph must be removed to the greatest extent practicable.

Sec. 6. 38 MRSA §1306, sub-§5 is enacted to read:

5. Control of fluids from motor vehicles at junkyards, automobile graveyards and automobile recycling businesses. Fluids must be controlled in accordance with the following.

A. All fluids, including but not limited to engine lubricant, transmission fluid, brake fluid, power steering fluid, hydraulic fluid, engine coolant, gasoline, diesel fuel, oil and refrigerant, batteries and mercury switches must be properly handled by junkyards, automobile graveyards and automobile recycling businesses in such a manner that they do not leak, flow or discharge into or onto the ground, into a body of water or into the air.

B. All fluids, refrigerant, batteries and mercury switches must be removed from motor vehicles that lack engines or other parts that render the vehicles incapable of being driven under their

own motor power or that are otherwise incapable of being driven under their own motor power, appliances and other items within 180 days of acquisition by a junkyard, automobile graveyard or automobile recycling business. Motor vehicles, appliances and other items acquired by and on the premises of a junkyard, automobile graveyard or automobile recycling business prior to October 1, 2005 must have all fluids, refrigerant, batteries and mercury switches removed by January 1, 2007. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable.

C. A person may not crush, shred or otherwise process, or cause to be crushed, shredded or otherwise processed, motor vehicles, appliances or other items before removal of all fluids, refrigerant, batteries and mercury switches. Fluids required to be removed under this paragraph must be removed to the greatest extent practicable.

Sec. 7. Effective date. This Act takes effect October 15, 2005.

Effective October 15, 2005.

CHAPTER 248

H.P. 169 - L.D. 230

An Act Establishing a Role for the Public Advocate in Promoting Railroad Service Quality

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

Sec. 1. 23 MRSA §7103, sub-§1, as amended by PL 2003, c. 498, §3 and affected by §12, is further amended to read:

1. Fund created. There is created the "Railroad Preservation and Assistance Fund," which receives all revenue derived from the tax levied pursuant to Title 36, chapter 361 and taxes paid under Title 36, section 1865, except any taxes deposited pursuant to Title 36, section 2625, subsection 1 in the Railroad Freight Service Quality Fund established under Title 35-A, section 1711. The fund is also eligible to receive grants from other sources. The Treasurer of State shall receive and deposit all revenue to the fund in a separate account to be known as the Railroad Preservation and Assistance Fund.

Sec. 2. 35-A MRSA §1711 is enacted to read:

§1711. Railroad service quality