

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

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**Augusta, Maine**  
**2011**

or children's homes that are licensed under section 7801.

~~Cottages shall~~ Rooms and cottages are not be deemed or considered lodging places and subject to a license where not more than 3 rooms and cottages are let.

Stores or other establishments, where bottled soft drinks or ice cream is sold for consumption from the original containers only, and where no tables, chairs, glasses or other utensils are provided in connection with such sale, ~~shall are~~ not be considered eating places ~~within the meaning of this section~~ establishments. At such establishments, straws or spoons may be provided to aid in the consumption of such bottled soft drinks or ice cream, ~~provided as long as they shall~~ be are supplied in original individual single service sterile packages.

Nonprofit organizations including, but not limited to, 4-H Clubs, scouts and ~~agricultural~~ agricultural societies ~~shall be are~~ exempt from department rules and regulations relating to dispensing foods and nonalcoholic beverages at not more than 12 public events or meals within one calendar year.

See title page for effective date.

**CHAPTER 194**

**S.P. 148 - L.D. 515**

**An Act To Review State Water Quality Standards**

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

**Sec. 1. 38 MRSA §420, sub-§1-B, ¶F** is enacted to read:

F. The department may require mercury testing once per year for facilities that maintain at least 5 years of mercury testing data.

**Sec. 2. 38 MRSA §420, sub-§2, ¶J** is enacted to read:

J. Notwithstanding any other provision of law to the contrary, the department shall use a one in 10,000 risk level when calculating ambient water quality criteria for inorganic arsenic.

**Sec. 3. 38 MRSA §464, sub-§4, ¶¶J and K** are enacted to read:

J. For the purpose of calculating waste discharge license limits for toxic substances, the department may use any unallocated assimilative capacity that the department has set aside for future growth if the use of that unallocated assimilative capacity would avoid an exceedance of applicable ambient water quality criteria or a determination by the

department of a reasonable potential to exceed applicable ambient water quality criteria.

K. Unless otherwise required by an applicable effluent limitation guideline adopted by the department, any limitations for metals in a waste discharge license may be expressed only as mass-based limits.

See title page for effective date.

**CHAPTER 195**

**S.P. 407 - L.D. 1310**

**An Act To Amend the Laws Governing the Address Confidentiality Program**

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

**Sec. 1. 5 MRSA §90-B, sub-§1, ¶A**, as enacted by PL 2001, c. 539, §1, is amended to read:

A. "Address" means a residential street, school or work address of an individual, including any geographically specific description or coordinate that identifies a residential address, as specified on the individual's application to be a program participant under this chapter section.

**Sec. 2. 5 MRSA §90-B, sub-§7**, as enacted by PL 2001, c. 539, §1, is amended to read:

7. Confidentiality. The program participant's application and supporting materials and the program's state e-mail account are not a public record and must be kept confidential by the secretary.

See title page for effective date.

**CHAPTER 196**

**H.P. 932 - L.D. 1241**

**An Act To Exempt Employers Subject to Federally Mandated Drug and Alcohol Programs from Maine Substance Abuse Program Laws**

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

**Sec. 1. 26 MRSA §681, sub-§8**, as amended by PL 1995, c. 324, §2, is further amended to read:

**8. Nuclear power plants; federal law.** The following limitations apply to the application of this subchapter.