

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

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

Sec. 1. 38 MRSA §603-A, sub-§2, as amended by PL 2013, c. 300, §15, is further amended to read:

2. Prohibitions. Except as provided in subsections 4 and 9, a person may not ~~use~~ import, distribute or offer for sale any liquid fossil fuel with a sulfur content exceeding the limits in paragraph A or any solid fossil fuel with a sulfur content to heat content ratio exceeding the limits of paragraph B.

A. The sulfur content for liquid fossil fuels is as follows.

(1) In the Central Maine, Downeast, Aroostook County and Northwest Maine Air Quality Control Regions and the Metropolitan Portland Air Quality Control Region outside the Portland Peninsula Air Quality Control Region, a person may not ~~use~~ distribute or offer for sale any residual fuel oil with a sulfur content greater than 2.0% by weight; beginning ~~January~~ July 1, 2018, the limit for those regions is 0.5% by weight.

(2) In the Portland Peninsula Air Quality Control Region, a person may not ~~use~~ distribute or offer for sale any residual fuel oil with a sulfur content greater than 1.5% by weight; beginning ~~January~~ July 1, 2018, the limit for that region is 0.5% by weight.

(3) Statewide, a person may not ~~use~~ import, distribute or offer for sale a distillate fuel:

(a) ~~Beginning July 1, 2016, with a sulfur content greater than 0.005% by weight; and~~

(b) Beginning ~~January~~ July 1, 2018, with a sulfur content greater than 0.0015% by weight.

The sulfur content requirements in this subparagraph do not apply to the use of distillate fuel for manufacturing purposes.

B. The sulfur content for solid fossil fuels is as follows:

(1) One and two-tenths pounds sulfur per million British Thermal Units until November 1, 1991, and .96 pounds sulfur per million British Thermal Units thereafter, calculated as a calendar quarter average for sources in the Central Maine, Downeast, Aroostook County, Northwest Maine Air Quality Control Regions and that portion of the Metropolitan Portland Air Quality Region outside the Portland Peninsula Air Quality Region. A calendar quarter is composed of the months as follows: (1) January, February, March; (2)

April, May, June; (3) July, August, September; and (4) October, November, December; and

(2) Seventy-two hundredths pounds sulfur per million British Thermal Units calculated as a calendar quarter average for sources in the Portland Peninsula Air Quality Region. A calendar quarter is composed of the months as follows: (1) January, February, March; (2) April, May, June; (3) July, August, September; and (4) October, November, December.

Sec. 2. 38 MRSA §603-A, sub-§9, as enacted by PL 2009, c. 604, §2, is amended to read:

9. Equivalent alternative sulfur reduction application. The department shall adopt major substantive rules as defined in Title 5, chapter 375, subchapter 2-A that provide an opportunity for a licensed air contamination source that holds a license on the effective date of this subsection to apply for an equivalent alternative sulfur reduction strategy to the residual fuel oil and distillate fuel requirements in subsection 2. The rules must provide for the achievement of equivalent sulfur emission reductions through other means, including, but not limited to, reductions in consumption of residual fuel oil and distillate fuel, early sulfur emission reductions from a baseline emissions inventory year of 2002 and conversions to alternative fuels. The department shall submit the major substantive rules to the Legislature by January 31, 2014. Approved alternate sulfur reduction strategies must be in effect by ~~January~~ July 1, 2018.

See title page for effective date.

CHAPTER 67

S.P. 65 - L.D. 190

An Act To Add Certain Capital Goods to the Product Stewardship Exclusions

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

Sec. 1. 38 MRSA §1774, sub-§§1 and 2, as enacted by PL 2009, c. 516, §1, are amended to read:

1. Motor vehicles and watercraft. Motor vehicles as defined in Title 29-A, section 101, subsection 42 and watercraft as defined in Title 12, section 13001, subsection 28 or their component parts; ~~and~~

2. Pulp and paper manufacturers. Pulp and paper manufacturers except conversion facilities for consumer product packaging; ~~and~~

Sec. 2. 38 MRSA §1774, sub-§3 is enacted to read:

3. Specialized equipment. Specialized manufacturing equipment and specialized processing equipment, including any component of such equipment, used in the production and repair of industrial or commercial goods and not generally discarded as solid waste.

See title page for effective date.

CHAPTER 68

S.P. 260 - L.D. 730

An Act To Make Technical Changes to Maine's Marine Resources Laws

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

Sec. 1. 12 MRSA §6072, sub-§10, ¶A, as repealed and replaced by PL 2003, c. 247, §6, is repealed.

Sec. 2. 12 MRSA §6301, sub-§2, ¶U, as amended by PL 2013, c. 492, §1, is repealed.

Sec. 3. 12 MRSA §6421, sub-§3-A, ¶E, as repealed and replaced by PL 2003, c. 468, §1, is amended to read:

E. A student license authorizes the license holder to engage in the licensed activities under subsection 2. A student license may be issued only to a person who, at the time of application, is 8 years of age or older and under 23 years of age. A person issued a student license may not submerge more than:

- (1) Ten lobster traps in the coastal waters of the State if the person is 8 years of age or older and under 11 years of age;
- (2) Fifty lobster traps in the coastal waters of the State if the person is 11 years of age or older and under 14 years of age; or
- (3) One hundred and fifty lobster traps in the coastal waters of the State if the person is 14 years of age or older and under 23 years of age.

A person issued a student license is enrolled in the apprentice program under section 6422. When applying for a license the person must designate a sponsor and may designate up to 3 sponsors. For the purposes of this paragraph, "sponsor" means a person who holds a Class I, Class II or Class III lobster and crab fishing license issued under this section.

Sec. 4. 12 MRSA §6439-A, as amended by PL 2001, c. 272, §4, is repealed.

Sec. 5. 12 MRSA §6446, sub-§1-A, as amended by PL 2007, c. 201, §16, is further amended to read:

1-A. Declared lobster zone; authorized zones.

On an application for a Class I, Class II, Class III, student or noncommercial lobster and crab fishing license or a nonresident lobster and crab landing permit, a person shall declare the lobster management zone in which that person proposes to fish a majority of that person's lobster traps and shall list all other zones in which that person proposes to fish any of that person's lobster traps. A Class I, Class II, Class III, student or noncommercial lobster and crab fishing license or a nonresident lobster and crab landing permit must identify the declared lobster zone in which the person is authorized to fish a majority of that person's lobster traps and must identify all other zones in which a person is authorized to fish that person's traps. A person may not place any lobster traps in a zone that is not identified on that person's license. For the purposes of this subsection, the majority of a person's lobster traps must be determined from the number of trap tags issued to that person.

Sec. 6. 12 MRSA §6447, sub-§5, as amended by PL 2009, c. 499, §2 and affected by §3, is further amended to read:

5. Council authority. Upon approval in a referendum under subsection 6, a lobster management policy council may propose to the commissioner rules for a zone to place the following limitations on lobster and crab fishing license holders that fish in that zone, as long as the proposed limitations are equal to or stricter than the limitations under section 6431-A, ~~6439-A~~ or 6440:

- A. The number of lobster traps fished and the time periods allowed for complying with that number;
- B. The number of lobster traps allowed on a trawl; and
- C. The time of day when lobster fishing may occur.

Sec. 7. 12 MRSA §6448, sub-§3, as enacted by PL 1999, c. 508, §3, is amended to read:

3. Fishing in limited-entry zones. A person who holds a Class I, Class II ~~or~~, Class III or student lobster and crab fishing license may not fish a majority of that person's lobster traps in a limited-entry zone unless that person's license identifies that zone as the declared lobster zone.

Sec. 8. 12 MRSA §6481, sub-§1, as enacted by PL 2013, c. 342, §1, is amended to read:

1. Swans Island Lobster Conservation Area. The following territorial waters of the State in the vi-