

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

matters. The task force shall review state solid waste management policy regarding the development of commercial solid waste disposal facilities, including the timeline and establishment process for the development of a state-owned solid waste disposal facility; host community benefits; the development of commercial solid waste facilities and the economic competitiveness of commercial facilities; the appropriateness of developing regional disposal facilities to better serve municipalities and businesses; the continued development and expansion of beneficial reuse and recycling; and the proper role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities and shall report its findings and recommendations to the Governor, the department and the joint standing committee of the Legislature having jurisdiction over natural resource matters.

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

Effective June 17, 1999.

CHAPTER 528

H.P. 701 - L.D. 968

An Act to Restore Municipal Revenue Sharing

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

Sec. 1. 30-A MRSA §5681, sub-§5, as amended by PL 1991, c. 780, Pt. Q, §1, is further amended to read:

5. Treasurer of State. An amount equal to 5.1% of the receipts from the taxes imposed under Title 36, Parts 3 and 8, and credited to the General Fund must be transferred by the Treasurer of State to the Local Government Fund on the first day of each month beginning August 1, 1992.

The amounts credited to the fund under this section must be calculated on the total amount of the receipts from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund without any reduction, including any reduction attributable to, or caused by Title 36, section 1811. This section must be construed to take precedence over any provision that purports to reduce the amounts to be credited to the fund.

Notwithstanding the provisions of Title 5, section 1513 in fiscal year 1999-00, the State Controller shall transfer to the Local Government Fund an additional amount of \$1,152,347 from the Maine Rainy Day

Fund. This amount must be transferred on or near October 1, 1999 so that it can be included in the amounts to be distributed on October 20, 1999.

The Treasurer of State shall distribute the balance in the Local Government Fund on the 20th day of each month.

See title page for effective date.

CHAPTER 529

S.P. 390 - L.D. 1169

An Act to Improve the Accountability of the Maine Children's Trust and to Explicitly Include High-quality Child Care as an Integral Part of its Mission

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

Sec. 1. 22 MRSA §3881, sub-§6, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

6. Prevention programs. "Prevention programs" means programs, plans or training associated with the primary prevention of child abuse and neglect and the promotion of high-quality child care.

Sec. 2. 22 MRSA §3884, sub-§1, ¶A, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

A. Review and evaluate existing prevention programs, including high-quality child care options;

Sec. 3. 22 MRSA §3884, sub-§3, ¶B, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

B. Build the leadership capacity of public and private sector individuals and institutions regarding prevention programs and prevention policies and the importance of high-quality child care in all children's early years; and

Sec. 4. 22 MRSA §3884, sub-§5, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

5. Criteria for awarding grants. Publicize criteria and review applications for grants and award those grants to recipients that best address the purposes of this chapter and submit to the Legislature the list of both successful and unsuccessful applicants

who have allowed their names to be placed on the list along with reasons for and against the applicants;

See title page for effective date.

CHAPTER 530

S.P. 846 - L.D. 2246

An Act to Amend the Nutrient Management Laws

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the nutrient management laws need to be amended prior to full implementation of those laws; and

Whereas, implementation is important to the agriculture community and the waters of this State; 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. 7 MRSA §4201, sub-§6, as enacted by PL 1997, c. 642, §2, is amended to read:

6. Regulated residual. "Regulated residual" means a residual regulated by the Department of Environmental Protection pursuant to Title 38, chapter 13 that is used primarily for its nitrogen and phosphorous value as determined by the Department of Agriculture, Food and Rural Resources. "Regulated residual" does not include wood ash or compost.

Sec. 2. 7 MRSA §4202, sub-§§2 and 3, as enacted by PL 1997, c. 642, §2, are amended to read:

2. Certification of persons to prepare nutrient management plans. The commissioner shall develop a program to train and certify persons in the prepara-

tion of nutrient management plans. The commissioner may establish minimum educational requirements for persons eligible for certification. The commissioner may revoke a certification in accordance with section 4210.

3. Livestock operations permits. The commissioner shall issue livestock operations permits in accordance with section 4205. The commissioner may revoke a livestock operations permit in accordance with section 4211.

Sec. 3. 7 MRSA §4203, sub-§1, ¶B, as enacted by PL 1997, c. 642, §2, is amended to read:

B. When an aggrieved party within 30 days of the commissioner's decision appeals a decision of the commissioner regarding a livestock operations permit required under section 4205, a request for a variance under section 4204, subsection 8 or a certification under section 4210, the board shall hold a hearing in accordance with Title 5, chapter 375, subchapter IV. The board may affirm, amend or reverse a permit or certification decision made by the commissioner. The board's decision is a final agency action.

Sec. 4. 7 MRSA §§4204 and 4205, as enacted by PL 1997, c. 642, §2, are amended to read:

§4204. Nutrient management plan

1. Nutrient management plan required. ~~Except as provided in subsection 4, beginning on December 1, 1998, a~~ A person who owns or operates a farm that meets the criteria established in subsection 2 shall have a nutrient management plan for that farm and shall implement the provisions in that plan by the dates specified for that category of farm in subsection 4, 5, 6 or 7. The nutrient management plan must be prepared by a person certified in accordance with section 4202, subsection 2 and must address the storage and utilization of all farm nutrients generated on or transported to the farm. A nutrient management plan developed by a farm owner or operator is deemed to have been prepared by a certified nutrient management specialist if a certified nutrient management specialist reviews the plan for compliance with this chapter, signs the plan and notifies the department in accordance with subsection 3. For livestock farms, the nutrient management plan must address storage and utilization of farm nutrients for the entire farm operation including leased or rented land. For crop farms, the plan must address storage and utilization of farm nutrients on land on which manure is utilized or stored. The plan must establish minimum distances between manure storage, stacking and spreading areas and property lines and surface water based on site-specific factors. The plan must provide for manure storage for a minimum of 180 days. A copy of a