

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

part of individual wages or salaries in excess of \$3,000 in any calendar year through 1971, \$4,200 in any calendar year through 1977, \$6,000 in any calendar year through 1982, \$7,000 in any calendar year through 1999 and ~~\$7,000~~ \$12,000 in any subsequent calendar year.

See title page for effective date.

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**CHAPTER 556**

**S.P. 925 - L.D. 2376**

**An Act to Change the Name of the Natural Resources Information and Mapping Center to More Accurately Reflect its Roles and Duties and to Correct Inconsistent Statutes**

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

**Sec. 1. 1 MRSA §25**, as amended by PL 1985, c. 481, Pt. A, §1 and PL 1995, c. 502, Pt. E, §32, is further amended to read:

**§25. The Bureau of Geology and Natural Areas to have charge of topographic mapping**

~~The Natural Resources Information and Mapping Center shall have~~ Bureau of Geology and Natural Areas has charge of topographic mapping on behalf of the State. ~~The Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas is authorized and directed to enter into such agreements with the Director of the United States Geological Survey as will assure the progress of the work in an efficient and economical manner.

**Sec. 2. 2 MRSA §6, sub-§5**, as amended by PL 1995, c. 462, Pt. A, §1 and c. 502, Pt. E, §32, is further amended to read:

**5. Range 86.** The salaries of the following state officials and employees are within salary range 86:

- Director of Labor Standards;
- Deputy Chief of the State Police;
- State Archivist;
- ~~Director of Natural Resources Information and Mapping Center,~~ Bureau of Geology and Natural Areas;
- Executive Director, Maine Land Use Regulation Commission;
- Chair, Maine Unemployment Insurance Commission;

Child Welfare Services Ombudsman; and

Director of the Maine Drug Enforcement Agency.

**Sec. 3. 5 MRSA §935, sub-§1, ¶D**, as enacted by PL 1983, c. 729, §4 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

~~D. Director, Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas;

**Sec. 4. 5 MRSA §12004-I, sub-§3-A** is enacted to read:

<u>3-A.</u>	<u>Natural</u>	<u>Not</u>	<u>12 MRSA</u>
<u>Conservation</u>	<u>Areas</u>	<u>Authorized</u>	<u>§544-A</u>
	<u>Advisory</u>		
	<u>Board</u>		

**Sec. 5. 5 MRSA §12004-I, sub-§6-C**, as enacted by PL 1993, c. 92, §10, is repealed.

**Sec. 6. 5 MRSA c. 383, sub-c. III, art. 1-A**, as amended, is repealed.

**Sec. 7. 5 MRSA §13127, sub-§2**, as amended by PL 1989, c. 903, §2 and PL 1995, c. 502, Pt. E, §32, is further amended to read:

**2. Composition.** The board is composed of 15 members. The membership includes one representative of the University of Maine System, one representative of the Association for Research in the Gulf of Maine, 2 representatives of nonprofit environmental organizations, one representative of independent higher education institutions, 2 representatives of the scientific community, 2 representatives of marine resource industries and one public member. The Commissioner of Environmental Protection, the Director of the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, the Commissioner of Marine Resources, the Director of the State Planning Office and the director of the sea grant college program serve as ex officio members. The ex officio members may appoint designees to fulfill their duties under this chapter.

**Sec. 8. 7 MRSA §332, sub-§1**, as amended by PL 1989, c. 503, Pt. B, §39 and PL 1995, c. 502, Pt. E, §32, is further amended to read:

**1. Membership.** The Aroostook Water and Soil Management Board, as established by Title 5, section 12004-G, subsection 4, ~~shall consist~~ consists of the following: The Chair of the Maine Potato Board; one person designated by the Maine Potato Board who ~~shall~~ must be a farmer with irrigation experience; a representative of each of the 3 Aroostook County Soil and Water Conservation Districts chosen by the boards

of supervisors of the 3 districts, each representative chosen being a farmer; the Director of the Maine Agricultural Experiment Station; the Director of the University of Maine Cooperative Extension Service; the State Conservationist of the United States Department of Agriculture Soil Conservation Service; the Director of the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas; the Director of the Northern Maine Regional Planning Commission; and the Commissioner of Agriculture, Food and Rural Resources.

**Sec. 9. 12 MRSA c. 201-A**, as amended, is further amended by repealing the chapter headnote and enacting the following in its place:

#### CHAPTER 201-A

### GEOLOGY AND NATURAL RESOURCES

**Sec. 10. 12 MRSA c. 201-A, sub-c. I**, as amended, is further amended by repealing the subchapter headnote and enacting the following in its place:

#### SUBCHAPTER I

### BUREAU OF GEOLOGY AND NATURAL AREAS

**Sec. 11. 12 MRSA §541**, as enacted by PL 1977, c. 360, §6 and amended by PL 1995, c. 502, Pt. E, §32, is repealed.

**Sec. 12. 12 MRSA §541-A** is enacted to read:

#### §541-A. Bureau of Geology and Natural Areas

The Bureau of Geology and Natural Areas is established within the Department of Conservation and is administered by the commissioner. The bureau consists of the Maine Geological Survey, referred to in this chapter as the "survey," and the Natural Areas Program. The executive director of the bureau is the director of the survey.

**Sec. 13. 12 MRSA §§544, 544-A, 544-B and 544-C** are enacted to read:

#### §544. Natural Areas Program

**1. Establishment.** The Natural Areas Program is established within the Department of Conservation and is administered by the commissioner.

**2. Definitions.** As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means the Commissioner of Conservation.

B. "Critical area" means any natural area documented by the Natural Areas Program that is conserved or protected in its natural condition through voluntary action.

C. "Endangered plant" means any native plant species that is in danger of extinction throughout all or a significant portion of its range within the State or any species determined to be an endangered species pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended.

D. "Natural area" means any area of land or water, or both land and water, whether publicly or privately owned, that retains or has reestablished its natural character, though it need not be completely natural and undisturbed, and that supports, harbors or otherwise contains endangered, threatened or rare plants, animals and native ecological systems, or rare or unique geological, hydrological, natural historical, scenic or other similar features of scientific and educational value benefiting the citizens of the State.

E. "Register of critical areas" means the official listing of critical areas.

F. "Species" means any recognized taxonomic category of the biota including species, subspecies or variety.

G. "Threatened plant" means any species of native plant likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range in the State or any species of plant determined to be a threatened species pursuant to the federal Endangered Species Act of 1973, Public Law 93-205, as amended.

#### **3. Functions of the Natural Areas Program.**

The Natural Areas Program shall perform the following functions.

A. The Natural Areas Program shall conduct an ongoing, statewide inventory of the State's natural areas, including, but not limited to, rare plants, animals, natural communities and ecosystems or other geological, hydrological, natural historical, scenic or other similar features, and may conduct investigations related to the population, habitat needs, limiting factors and other biological and ecological data to support the mandates of the Natural Areas Program or other cooperating agencies.

B. The Natural Areas Program shall maintain a biological and conservation database that must contain data from inventories and other data

sources and other relevant biological, ecological or other information about natural features described in paragraph A and about ecologically significant sites that harbor these features. Information contained in the biological and conservation database may be made available as necessary or appropriate for conservation and land use planning, environmental review, scientific research and inquiry, education or other appropriate use. For the purpose of this paragraph, an appropriate use is one that will not jeopardize sensitive species or habitats.

C. The Natural Areas Program may coordinate inventory and data management and planning activities with other appropriate state agencies or entities to maximize efficiency and increase communication among agencies and to provide appropriate data interpretation and technical services to support the mandates and programs of those agencies.

D. The Natural Areas Program may levy appropriate charges to those using, for commercial gain, the inventory and information services provided by the Natural Areas Program to recover the costs of providing the services and a reasonable portion of the costs associated with building and maintaining the biological and conservation database. Charges must be fixed in a schedule prepared and revised as necessary by the Natural Areas Program, reviewed by the Natural Areas Advisory Board and supported and explained by accompanying information.

E. The Natural Areas Program may enter into cooperative agreements with federal or state agencies, political subdivisions of this State or private persons or organizations to receive or disburse funds for the purposes of this subchapter.

#### **§544-A. Natural Areas Advisory Board**

1. Establishment. The Natural Areas Advisory Board is established in Title 5, section 12004-I, subsection 3-A and is referred to in this section as the "board." The board shall advise the commissioner in administering the functions of the Natural Areas Program.

2. Membership. The board consists of the commissioner or a designee and 8 additional members appointed by the commissioner, including private citizens, landowners or land managers. Areas of expertise to be represented on the board, either through vocation or avocation, must include, but are not limited to, rare plant or animal biology; ecology or taxonomy; landscape or natural community ecology; conservation biology or natural areas conservation;

natural resources policy; earth sciences; or other similar natural or physical sciences, except that the board may not contain fewer than 3 members with expertise in rare plant biology or taxonomy or landscape ecology.

3. Terms of membership. The commissioner shall serve for the duration of the commissioner's term in office. All other members serve for a term of 2 years, except that initially 2 serve for 3 years, 3 serve for 2 years and 3 for one year. All members, except the commissioner, are eligible for 2 reappointments to board membership for a maximum of 6 years.

4. Officers. The board shall select annually from among its members a chair and a secretary.

5. Quorum required; recordkeeping. A quorum of the board for the transaction of business is 4 members. The secretary of the board shall keep a record of all proceedings. That record is a public record.

6. Rules. The board may adopt informal rules governing the conduct of its business.

7. Compensation prohibited. Members of the board are not entitled to per diem or compensation for expenses.

#### **§544-B. Responsibilities of commissioner**

The commissioner has the following responsibilities pertaining to natural areas.

1. Conservation of natural areas. The commissioner shall promote conservation of natural areas by:

A. Making available current and accurate information to all appropriate entities to interpret, educate or otherwise inform so as to support planning and conservation activities in this State;

B. Promoting voluntary action to conserve and protect natural areas in this State;

C. Entering into agreements with landowners of natural areas and registered critical areas to promote appropriate and effective management of these areas in order to maintain and enhance the natural value of these areas; and

D. Developing and disseminating educational or technical materials for the purpose of informing the general public and other interested persons or institutions about natural areas and the value of those areas. The commissioner may charge a reasonable fee for these materials. All income received by the commissioner from the sale of these publications and materials must be credited

to a nonlapsing, dedicated revenue account and used for the purposes of this paragraph.

**2. Register of critical areas.** The commissioner, with the advice of the board, shall maintain a register of critical areas that must contain natural areas classified as critical areas as follows.

A. In determining the classification of an area or site as a registered critical area, the commissioner shall consider:

- (1) The unique or exemplary natural qualities of the area or site;
- (2) The intrinsic fragility of the area or site and sensitivity to alteration or destruction;
- (3) The voluntary commitment to conserve or protect the area or site;
- (4) The present or future threat of alteration or destruction; and
- (5) The economic implications of inclusion of an area or site on the register.

The commissioner, with the advice of the board, may remove a registered critical area from the register if the commissioner determines that the area or site no longer qualifies as a critical area.

B. Each registered critical area must be documented with at least the following information:

- (1) A general description of the area or site;
- (2) A list of the endangered or threatened species or other unique or exemplary natural features occurring at the area or site, and reasons for inclusion in the register;
- (3) The size and location of the area or site; and
- (4) The name or names of the property owner or owners, contingent upon the consent of the owner or owners.

C. The commissioner shall notify owners of natural areas of the natural value of their land and the implications of voluntary conservation. Subsequently a natural area may be placed upon the Register of Critical Areas with at least 60 days' notice before registration and the consent of the landowner.

**3. Endangered plants.** The commissioner has the following responsibilities related to endangered plants.

A. The commissioner shall establish and maintain the official list of native endangered and threatened plants of the State. The purpose of the list is informational and may be provided on an informational basis to public agencies, private institutions or individuals for environmental assessment, land management or educational purposes.

B. The commissioner may establish procedures to substantiate the identification of endangered and threatened native plant species. In determining and revising the list, the commissioner shall use the rare plant database of the Natural Areas Program, the advice of the Natural Areas Advisory Board and the knowledge of botanists in the State. In addition, the commissioner shall consult with federal agencies, interested state agencies, other states or provinces having a common interest and other interested persons and organizations. The commissioner shall determine criteria for each category. When establishing the list, the commissioner shall consider aspects of plant biology that contribute to a species' rarity such as:

- (1) Endemism. The plant species or subspecies may be geographically restricted to the State or areas immediately adjacent to the State;
- (2) Scarcity. A plant species or subspecies may be numerically scarce throughout its distribution in North America and occur in only a few locations in the State;
- (3) Special habitat. A plant species or subspecies may require habitat that is scarce in the State;
- (4) Limit of range. A plant species or subspecies in the State may be at the edge of its distribution or disjunct from its main distribution; and
- (5) Population decline or vulnerability. A plant species or subspecies may be threatened or seriously declining due to habitat modification or destruction or from over-collection for commercial, recreational or educational purposes.

C. The commissioner shall conduct at least one public hearing to allow for public comment before establishing or revising the list.

D. The commissioner shall review the list biennially and add or delete species based on new botanical inventory data, taxonomic or other scientific studies or other documentation.

**4. Sensitive information.** The commissioner may withhold specific information on the location of a species or natural area and its component features if, in the judgment of the commissioner, disclosure of this information would threaten the existence of that species or natural area. The commissioner may not deny a landowner or landowner's designee information about species or natural areas occurring on the landowner's property or withhold this information from usual environmental review procedures of local, state or federal regulatory agencies.

#### **§544-C. Natural Areas Conservation Fund**

The Natural Areas Conservation Fund is established as a nonlapsing separate account to be administered by the commissioner. Income from gifts, bequests, devises, grants, fees and other sources may be deposited in this fund. All money in the fund and earnings on that money must be used for the investigation, conservation and management of native plants, natural communities, ecosystems or other significant features as described in this chapter and for administrative and personnel costs for the purposes of this section. The commissioner may make grants from the fund to any person, organization, state agency or other entity to undertake inventory and research about rare plants, natural communities, ecosystems or other features of natural areas.

Funds in the Natural Areas Conservation Fund may not be deposited in the General Fund or any other fund except as provided by law. All funds of the Natural Areas Conservation Fund are subject to allocation by the Legislature.

**Sec. 14. 12 MRSA §549**, as enacted by PL 1985, c. 201, §2 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

#### **§549. Jurisdiction**

The ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas and the agencies having jurisdiction over state-owned lands shall have jurisdiction, as set forth in this subchapter, over all state-owned lands for the purpose of mineral development and mining on that land. The ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas and the agencies having jurisdiction over state-owned lands may make such rules as each deems proper with respect to the authority delegated pursuant to this subchapter.

**Sec. 15. 12 MRSA §549-A, sub-§2**, as enacted by PL 1985, c. 201, §2 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**2. Director of the survey.** "Director of the survey" means the Director of the ~~Natural Resources~~

~~Information and Mapping Center~~ Bureau of Geology and Natural Areas.

**Sec. 16. 12 MRSA §550-B, sub-§3, ¶A**, as enacted by PL 1987, c. 509 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

A. Within 180 days after completion of any well or dry hole, or the enlarging or deepening of an existing well, a well contractor shall submit a report to the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, on forms designed and provided by the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas. The report shall ~~shall~~ **must** contain information as may be required by the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, including, but not limited to, location, construction and well yield.

**Sec. 17. 12 MRSA §550-B, sub-§6**, as enacted by PL 1987, c. 509 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**6. Information use.** Information collected by the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey under this chapter is exempt from Title 1, chapter 13, subchapter I. The ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey shall make information collected under this chapter available to any federal, state or municipal entity or authorized agent of such entity.

**Sec. 18. 12 MRSA §1835, sub-§1, ¶A**, as enacted by PL 1997, c. 678, §13, is amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon nonreserved public land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid into the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas.

**Sec. 19. 12 MRSA §1847, sub-§2**, as enacted by PL 1997, c. 678, §13, is amended to read:

**2. Management plans.** The director shall prepare, revise from time to time and maintain a comprehensive management plan for the management of the public reserved lands in accordance with the guidelines in this subchapter. The plan must provide for a flexible and practical approach to the coordinated management of the public reserved lands. In preparing, revising and maintaining such a management plan the director, to the extent practicable, shall compile

and maintain an adequate inventory of the public reserved lands, including not only the timber on those lands but also the other multiple use values for which the public reserved lands are managed. In addition, the director shall consider all criteria listed in section 1858 for the location of public reserved lands in developing the management plan. The director is entitled to the full cooperation of the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, the Department of Inland Fisheries and Wildlife, the Maine Land Use Regulation Commission and the State Planning Office in compiling and maintaining the inventory of the public reserved lands. The director shall consult with those agencies as well as other appropriate state agencies in the preparation and maintenance of the comprehensive management plan for the public reserved lands. The plan must provide for the demonstration of appropriate management practices that will enhance the timber, wildlife, recreation, economic and other values of the lands. All management of the public reserved lands, to the extent practicable, must be in accordance with this management plan when prepared.

Within the context of the comprehensive management plan, the commissioner, after adequate opportunity for public review and comment, shall adopt a specific action plan for each unit of the public reserved lands system. Each action plan must include consideration of the related systems of silviculture and regeneration of forest resources and must provide for outdoor recreation including remote, undeveloped areas, timber, watershed protection, wildlife and fish. The commissioner shall provide adequate opportunity for public review and comment on any substantial revision of an action plan. Management of the public reserved lands before the action plans are completed must be in accordance with all other provisions of this section.

**Sec. 20. 12 MRSA §1849, sub-§1, ¶A**, as enacted by PL 1997, c. 678, §13, is amended to read:

A. The first \$20,000 in the aggregate of any money accruing from the alienation of rights to mine upon public reserved land, or other income arising out of mining operations, that is actually received during any fiscal year, and every portion thereof accruing from these mining operations, must be paid to the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas.

**Sec. 21. 12 MRSA §5013, sub-§5**, as repealed and replaced by PL 1977, c. 674, §15 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**5. Bureau of Geology and Natural Areas.** The ~~Natural Resources Information and Mapping Center~~

~~shall be~~ Bureau of Geology and Natural Areas is under the direction and supervision of a director who ~~shall be~~ is appointed by, and ~~serve~~ serves at the pleasure of, the commissioner.

**Sec. 22. 12 MRSA §7781, sub-§3**, as enacted by PL 1995, c. 494, §6 and amended by c. 502, Pt. E, §32, is further amended to read:

**3. Coordinator of the Natural Areas Program.** "~~Coordinator of the Natural Resources Information and Mapping Center~~ Areas Program" means the person appointed by the Commissioner of the ~~Department of Economic and Community Development~~ Conservation to be responsible for coordinating the ~~Natural Resources Information and Mapping Center~~ Areas Program.

**Sec. 23. 12 MRSA §7788, sub-§1**, as enacted by PL 1995, c. 494, §6 and amended by c. 502, Pt. E, §32, is further amended to read:

**1. Members.** The board consists of 7 members. The Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife and the Coordinator of the ~~Natural Resources Information and Mapping Center~~ Areas Program are permanent members and their designees may represent them at board meetings. The Governor shall appoint the remaining 4 citizen members subject to the review of the joint standing committee of the Legislature having jurisdiction over natural resource matters and confirmation by the Senate. One of these members must be a representative of a state sportsman's organization, one must be a representative of a state wildlife conservation organization and one must work in a field related to natural resources.

**Sec. 24. 12 MRSA §7789, sub-§2, ¶D**, as enacted by PL 1995, c. 494, §6 and amended by c. 502, Pt. E, §32, is further amended to read:

D. Rare or exemplary natural communities or ecosystems as determined by the State's ~~Natural Resources Information and Mapping Center~~ Areas Program database;

**Sec. 25. 12 MRSA §7851, sub-§2-B**, as enacted by PL 1985, c. 762, §3 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**2-B. Freshwater marshes and bogs.** "Freshwater marshes and bogs" means naturally occurring open areas with saturated soils or peat, often associated with standing water and dominated by low herbaceous vegetation, grasses, weeds and shrubs and including wetlands, as shown on the Freshwater Wetlands Map Series, ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey, or zoned as a



Wetland Protection Subdistrict, P-WL, by the Maine Land Use Regulation Commission.

**Sec. 26. 22 MRSA §676, sub-§5**, as enacted by PL 1993, c. 345, §§13, 14 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**5. Geology.** ~~The Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey within the Department of Conservation shall provide technical assistance for waste management.

**Sec. 27. 22 MRSA §679-B, sub-§8**, as enacted by PL 1993, c. 664, §10 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**8. Transfer of funds.** Notwithstanding Title 5, section 1585, funds allocated under this section must be transferred as necessary to accomplish the purposes of this section and Title 38, chapter 14-A from the department to other agencies, including the Department of Environmental Protection, the State Planning Office, the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey within the Department of Conservation and the Maine Land Use Regulation Commission.

**Sec. 28. 32 MRSA §4700-G, sub-§2**, as amended by PL 1993, c. 25, §7 and PL 1995, c. 502, Pt. E, §32, is further amended to read:

**2. Membership.** The commission consists of the Director of the Division of Health Engineering within the Department of Human Services or the director's designee; the Director of the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas within the Department of Conservation or the director's designee; the Commissioner of Transportation or the commissioner's designee; and 4 public members, 3 of whom must be well drillers. One well driller must be a geotechnical driller.

**Sec. 29. 32 MRSA §4700-G, sub-§6**, as enacted by PL 1991, c. 455, Pt. B, §1 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**6. Administrative provision.** The department shall administer the affairs and activities of the commission, keep all books and records, excluding data reports. All appropriations for use of the commission must be made to the department. The ~~Natural Resources Information and Mapping Center~~ Department of Conservation, Bureau of Geology and Natural Areas shall keep all well data reports and work with the department in the administration of the commission's activities.

**Sec. 30. 38 MRSA §361-A, sub-§1-D**, as enacted by PL 1981, c. 470, Pt. A, §164 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**1-D. Aquifer.** "Aquifer" means a geologic formation composed of rock or sand and gravel that stores and transmits significant quantities of recoverable water, as identified by the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey within the Department of Conservation.

**Sec. 31. 38 MRSA §402, 2nd ¶**, as enacted by PL 1985, c. 465, §2 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

The ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey within the Department of Conservation in cooperation with other agencies as appropriate shall conduct a 3-year program to assess the impact of agricultural practices and chemicals on ground water quality in selected agricultural areas and selected aquifers. The program shall must evaluate the extent and level of contamination associated with pesticide use, the mechanisms by which pesticides move through the soil and into ground water supplies, the synergistic effects of these substances and their persistence in ground water.

**Sec. 32. 38 MRSA §480-X, sub-§5**, as amended by PL 1995, c. 502, Pt. E, §32 and c. 575, §3, is further amended to read:

**5. Additional projects not eligible for Tier 2 review.** An activity in freshwater wetlands containing a natural community that is imperiled (S2) or critically imperiled (S1), as defined by the ~~Resources Information and Mapping Center~~ Natural Areas Program pursuant to Title § 12, section ~~13076~~ 544 is not eligible for Tier 2 review unless the department determines that the activity will not negatively affect the freshwater wetlands and other protected natural resources present.

**Sec. 33. 38 MRSA §480-Y, sub-§2, ¶C**, as enacted by PL 1995, c. 659, §1, is amended to read:

C. The pond may not be located in a wetland containing endangered or threatened plant species as determined pursuant to Title § 12, section ~~13078~~ 544-B, subsection 3 or containing a natural community that is imperiled (S2) or critically imperiled (S1) as defined by the Natural Areas Program pursuant to Title § 12, section ~~13076~~ 544.

**Sec. 34. 38 MRSA §490-D, sub-§1**, as amended by PL 1995, c. 700, §24, is further amended to read:

**1. Significant wildlife habitat.** Affected land may not be located in a significant wildlife habitat, as defined in section 480-B, or in an area listed pursuant to the Natural Areas Program, Title 5 12, section ~~13076~~ 544. The department may not grant a variance from the provisions of this subsection.

**Sec. 35. 38 MRSA §490-Z, sub-§1**, as enacted by PL 1995, c. 700, §35, is amended to read:

**1. Significant wildlife habitat.** Affected land may not be located in a significant wildlife habitat as defined in section 480-B, subsection 10 or in an area listed pursuant to the Natural Areas Program, Title 5 12, section ~~13076~~ 544. The department may not grant a variance from the provisions of this subsection.

**Sec. 36. 38 MRSA §549**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §115 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**§549. Personnel and equipment**

The commissioner shall establish and maintain at such ports within the State, and other places as the commissioner determines, employees and equipment necessary to carry out this subchapter. The commissioner, subject to the Civil Service Law, may employ personnel necessary to carry out the purposes of this subchapter, and shall prescribe the duties of those employees. The salaries of those employees and the cost of that equipment must be paid from the Maine Coastal and Inland Surface Oil Clean-up Fund established by this subchapter. The commissioner and the Director of the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas shall periodically consult with each other relative to procedures for the prevention of oil discharges into the coastal waters of the State from offshore drilling production facilities. Inspection and enforcement employees of the department in their line of duty under this subchapter ~~shall~~ have the powers of a constable.

**Sec. 37. 38 MRSA §1310-E, sub-§2, ¶A**, as enacted by PL 1993, c. 732, Pt. C, §12, is amended to read:

A. The landfill is a licensed municipal solid waste landfill or the municipality has been ordered to close or remediate a landfill pursuant to section 1310-D, subsection 2 in which case the landfill must be closed in accordance with subsection 1; and

**Sec. 38. 38 MRSA §1310-E, sub-§2, ¶B**, as enacted by PL 1993, c. 732, Pt. C, §12 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

B. The landfill meets one of the following criteria, in which case the landfill must close in accordance with subsection 3:

(1) A drinking water supply well is located within 1,000 feet of the solid waste boundary of the landfill;

(2) The public water supply well is located within 10,000 feet of the solid waste boundary of the landfill and in the same aquifer, for landfills located on a sand and gravel aquifer as mapped by the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey within the Department of Conservation;

(3) An enclosed building is located within 100 feet of the solid waste boundary of the landfill; or

(4) The landfill has received hazardous industrial wastes.

**Sec. 39. 38 MRSA §1454-A, sub-§5**, as amended by PL 1995, c. 333, §5 and c. 502, Pt. E, §32, is further amended to read:

**5. Transfer of funds.** Notwithstanding Title 5, section 1585, funds allocated under this section may be transferred as necessary to accomplish the purposes of this chapter from the Department of Human Services to other agencies, including the Department of Environmental Protection, ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas within the Department of Conservation, Maine Land Use Regulation Commission, Division of Health Engineering and the State Planning Office.

**Sec. 40. 38 MRSA §1905, sub-§1**, as enacted by PL 1985, c. 794, Pt. A, §11 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

**1. Maps; coastal barriers identified.** Maine's coastal barriers are identified on maps, available for public review, at the Department of Conservation, ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas, Maine Geological Survey office in Augusta. They are referred to as the Maine Coastal Barrier Resources Systems and are numbered consistent with the United States Coastal Barriers Resource Act.

**Sec. 41. 38 MRSA §2152, sub-§2, ¶C**, as enacted by PL 1989, c. 585, Pt. A, §7 and amended by PL 1995, c. 502, Pt. E, §32, is further amended to read:

C. The Commissioner of Environmental Protection and the Director of the ~~Natural Resources Information and Mapping Center~~ Bureau of Geology and Natural Areas shall serve as technical advisors to the board.

See title page for effective date.

**CHAPTER 557**

**S.P. 900 - L.D. 2350**

**An Act to Clarify the Laws Governing Solid Waste Disposal Districts**

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

**Sec. 1. 38 MRSA §1724, sub-§1**, as amended by PL 1993, c. 597, §1, is further amended to read:

**1. Authorization.** All of the affairs of a disposal district must be managed by an appointed board of directors that consists of not less than 3 directors. The exact number of directors must be determined in accordance with section 1721. Each director is entitled to the number of votes that corresponds to the level of population in that director's municipality as set forth in the following table, unless an alternative method of apportioning votes is approved by a majority vote of the municipal officers representing each member of the disposal district prior to or at the time of formation.

Population	No. of Votes
0 - 1,000	1
1,001 - 2,500	2
2,501 - 5,000	3
5,001 - 10,000	4
10,001 - 15,000	5
15,001 - 25,000	6
25,001 - 35,000	7
35,001 - 50,000	8
50,001 - 65,000	9
65,001 and over	10

A director may not split votes. In the event a municipality has more than one director, directors from that municipality shall share equally the number of votes

for that municipality but may vote independently of each other. A determination of population must be made based upon the latest official Decennial Census of the United States by the United States Bureau of Census. A disposal district may alter the number of its directors by submitting the proposed alteration to the voters in the same manner as provided in section 1721, subsection 7. No municipality within any disposal district may have less than one director. A quorum of the directors may conduct the affairs of the district even if there is a vacancy on the board of directors. A quorum is defined as a simple majority of eligible and appointed directors, provided that a majority of the member municipalities are represented. A simple majority of directors voting, either in person or by written consent, may conduct the affairs of the district.

See title page for effective date.

**CHAPTER 558**

**S.P. 891 - L.D. 2310**

**An Act to Change the Name in the Statutes of a Native American Organization Able to Issue Hunting and Fishing Licenses**

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

**Whereas**, the Central Maine Indian Association no longer exists; and

**Whereas**, until "Wesget-Suppo" is recognized in the statutes as the organization authorized to issue fishing, trapping and hunting licenses, Native Americans will be unfairly denied benefits under the inland and fisheries laws; 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. 12 MRSA §7076, sub-§9, ¶A**, as amended by PL 1985, c. 304, §8, is further amended to read:

A. The commissioner shall issue a hunting, trapping and fishing license to any Indian, 10 years of age or older, of the Passamaquoddy, Penobscot, Maliseet or Micmac Tribes without any charge or fee, providing the Indian presents a