LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,

Penmor Lithographers
Lewiston, Maine
2004
standards. Purchases of new personal alert safety systems, PASS, by a fire department must meet or exceed the National Fire Protection Association standards.


10. Hearing protection. Each fire department shall provide and each firefighter shall use hearing protection when the firefighter is operating or riding on fire apparatus and is subject to noise in excess of 90 decibels. Hearing protection must be provided and used when the firefighter is exposed to noise in excess of 90 decibels from power tools or equipment, except in situations when the use of the protective equipment would create an additional hazard to the user. Hearing protection must conform to Occupational Safety and Health Administration standards, 29 Code of Federal Regulations, Section 1910.95.

Sec. 4. 26 MRSA §2104, sub-§1, as enacted by PL 1987, c. 356, is amended to read:

1. Eye, face protection. Each fire department shall provide and each firefighter shall use eye and/or face protection or both, when the firefighter is engaged in fire suppression and other operations involving hazards to the eyes and face at all times when the face is not protected by the full facepiece of self-contained breathing apparatus.

Sec. 5. 26 MRSA §2104, sub-§2, as enacted by PL 1987, c. 356, is amended to read:

Sec. 6. 26 MRSA §2105, sub-§1, as enacted by PL 1987, c. 356, is amended to read:

1. All components, air supply devices, personal alert safety system devices and warning devices. A complete inspection of all components, air supply devices, personal alert safety system devices and warning devices to be performed after each use and:

A. For volunteer associations and on-call fire departments, every month; and

B. For full-time fire departments, every week;

Sec. 7. Effective date. This Act takes effect July 1, 2005.

Effective July 1, 2005.
within turnpike property will be solely for the use of the authority.

See title page for effective date.

CHAPTER 573
S.P. 634 - L.D. 1702

An Act To Provide for Department of Marine Resources Jurisdiction Over Certain Sections of the State's Endangered Species Program

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

Whereas, certain marine resources of the State are in need of protection; and

Whereas, the Department of Marine Resources is uniquely qualified to ensure the protection of marine species; and

Whereas, the Department of Marine Resources needs clear authority over the State's endangered and threatened marine species to obtain federal funding for the protection of those species; 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 c. 631 is enacted to read:

CHAPTER 631
ENDANGERED OR THREATENED MARINE SPECIES

§6971. Commissioner's authority over marine endangered and threatened species

In accordance with section 12801, the commissioner has authority as provided in this chapter to carry out the purpose of that section with regard to marine species.

§6972. Commissioner's programs

The commissioner may establish such programs as are necessary for the protection of marine species listed pursuant to this chapter in order to achieve compliance with the United States Endangered Species Act of 1973, Public Law 93-205, as amended.

§6973. Designation of marine species as state endangered or state threatened

1. Commissioner's authority. The commissioner may recommend a marine species found in the State for designation as a state endangered or state threatened marine species if that species is listed as an endangered or threatened species by the United States Secretary of the Interior, pursuant to the United States Endangered Species Act of 1973, Public Law 93-205, as amended.

2. Modification to list. The commissioner may recommend that a marine species designated as a state endangered or state threatened species be removed from the list in section 6975 or recommend other changes to that list.

3. Public notice and hearings. Prior to recommending an addition, deletion or other change to the list of state endangered and state threatened marine species in section 6975, the commissioner shall provide for public notice and public hearings on that proposed recommendation in accordance with the provisions of Title 5, chapter 375, subchapter 2.

§6974. Legislative authority

The Legislature has sole authority to designate a marine species as a state endangered or state threatened species or to remove a species or change the designation of a species listed in section 6975.

§6975. List of state endangered and state threatened marine species

The list of state endangered or state threatened marine species by common name, scientific name and status is as follows:

1. Right whale. Right whale, Eubalaena glacialis, endangered;

2. Humpback whale. Humpback whale, Megaptera novaeangliae, endangered;

3. Finback whale. Finback whale, Balaenoptera physalus, endangered;

4. Sperm whale. Sperm whale, Physeter catodon, endangered;

5. Sei whale. Sei whale, Balaenoptera borealis, endangered;

6. Leatherback turtle. Leatherback turtle, Dermochelys coriacea, endangered;