

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

SECOND REGULAR SESSION-2000

Legislative Document

No. 2376

S.P. 925

In Senate, January 12, 2000

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.

Submitted by the Department of Conservation pursuant to Joint Rule 204.
Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator NUTTING of Androscoggin.

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

2
4 **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:

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

8
10 The ~~Natural Resources Information and Mapping Center~~ shall
11 have Bureau of Geology and Natural Areas has charge of
12 topographic mapping on behalf of the State. The ~~Natural Resources~~
13 ~~Information and Mapping Center~~ Bureau of Geology and Natural
14 Areas is authorized and directed to enter into such agreements
15 with the Director of the United States Geological Survey as will
16 assure the progress of the work in an efficient and economical
manner.

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

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

22 Director of Labor Standards;

23 Deputy Chief of the State Police;

24 State Archivist;

25 ~~Director of Natural Resources Information and Mapping~~
26 ~~Center, Bureau of Geology and Natural Areas;~~

27 Executive Director, Maine Land Use Regulation Commission;

28 Chair, Maine Unemployment Insurance Commission;

29 Child Welfare Services Ombudsman; and

30 Director of the Maine Drug Enforcement Agency.

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

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

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

37 **3-A. Natural Areas Not 12 MRSA**

2 portion of its range within the State or any species
3 determined to be an endangered species pursuant to the
4 United States Endangered Species Act of 1973, Public Law
5 93-205, as amended.

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

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

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

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

26 **3. Functions of the Natural Areas Program. The Natural**
27 **Areas Program shall perform the following functions.**

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

37 B. The Natural Areas Program shall maintain a biological
38 and conservation database that must contain data from
39 inventories and other data sources and other relevant
40 biological, ecological or other information about natural
41 features described in paragraph A and about ecologically
42 significant sites that harbor these features. Information
43 contained in the biological and conservation database may be
44 made available as necessary or appropriate for conservation
45

2 and land use planning, environmental review, scientific
3 research and inquiry, education or other appropriate use.
4 For the purpose of this paragraph, an appropriate use is one
5 that will not jeopardize sensitive species or habitats.

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

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

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

30 **§544-A. Natural Areas Advisory Board**

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

38 2. Membership. The board consists of the commissioner or a
39 designee and 8 additional members appointed by the commissioner,
40 including private citizens, landowners or land managers. Areas
41 of expertise to be represented on the board, either through
42 vocation or avocation, must include, but are not limited to, rare
43 plant or animal biology; ecology or taxonomy; landscape or
44 natural community ecology; conservation biology or natural areas
45 conservation; natural resources policy; earth sciences; or other
46 similar natural or physical sciences, except that the board may
47 not contain fewer than 3 members with expertise in rare plant
48 biology or taxonomy or landscape ecology.

50

2 3. Terms of membership. The commissioner shall serve for
the duration of the commissioner's term in office. All other
4 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
6 members, except the commissioner, are eligible for 2
reappointments to board membership for a maximum of 6 years.

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

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

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

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

22 §544-B. Responsibilities of commissioner

24 The commissioner has the following responsibilities
pertaining to natural areas.

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

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

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

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

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

2 dedicated revenue account and used for the purposes of this
3 paragraph.

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

8
9 A. In determining the classification of an area or site as
10 a registered critical area, the commissioner shall consider:

11 (1) The unique or exemplary natural qualities of the
12 area or site;

13 (2) The intrinsic fragility of the area or site and
14 sensitivity to alteration or destruction;

15 (3) The voluntary commitment to conserve or protect
16 the area or site;

17 (4) The present or future threat of alteration or
18 destruction; and

19 (5) The economic implications of inclusion of an area
20 or site on the register.

21
22 The commissioner, with the advice of the board, may remove a
23 registered critical area from the register if the
24 commissioner determines that the area or site no longer
25 qualifies as a critical area.

26
27 B. Each registered critical area must be documented with at
28 least the following information:

29 (1) A general description of the area or site;

30 (2) A list of the endangered or threatened species or
31 other unique or exemplary natural features occurring at
32 the area or site, and reasons for inclusion in the
33 register;

34 (3) The size and location of the area or site; and

35 (4) The name or names of the property owner or owners,
36 contingent upon the consent of the owner or owners.

37
38 C. The commissioner shall notify owners of natural areas of
39 the natural value of their land and the implications of
40 voluntary conservation. Subsequently a natural area may be
41 placed upon the Register of Critical Areas with at least 60
42 days notice.

2 days' notice before registration and the consent of the
3 landowner.

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

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

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

25 (1) Endemism. The plant species or subspecies may be
26 geographically restricted to the State or areas
27 immediately adjacent to the State;

28 (2) Scarcity. A plant species or subspecies may be
29 numerically scarce throughout its distribution in North
30 America and occur in only a few locations in the State;

31 (3) Special habitat. A plant species or subspecies
32 may require habitat that is scarce in the State;

33 (4) Limit of range. A plant species or subspecies in
34 the State may be at the edge of its distribution or
35 disjunct from its main distribution; and

36 (5) Population decline or vulnerability. A plant
37 species or subspecies may be threatened or seriously
38 declining due to habitat modification or destruction or
39 from overcollection for commercial, recreational or
40 educational purposes.

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

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

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

17 **§544-C. Natural Areas Conservation Fund**

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

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

35 **40 Sec. 14. 12 MRSA §549,** as enacted by PL 1985, c. 201, §2 and
36 amended by PL 1995, c. 502, Pt. E, §32, is further amended to
37 read:

38 **41 §549. Jurisdiction**

39 The ~~Natural-Resources-Information-and-Mapping-Center~~ Bureau
40 of Geology and Natural Areas and the agencies having jurisdiction
41 over state-owned lands shall have jurisdiction, as set forth in
42 this subchapter, over all state-owned lands for the purpose of
43 mineral development and mining on that land. The Natural
44 Resources Information and Mapping Center Bureau of Geology and
45 Natural Areas and the agencies having jurisdiction over state-owned
46 lands shall have jurisdiction, as set forth in this subchapter, over
47 all state-owned lands for the purpose of mineral development and
48 mining on that land. The Natural Resources Information and Mapping
49 Center Bureau of Geology and Natural Areas and the agencies having
50 jurisdiction over state-owned lands shall have jurisdiction, as set forth
51 in this subchapter, over all state-owned lands for the purpose of
52 mineral development and mining on that land. The Natural Resources
53 Information and Mapping Center Bureau of Geology and Natural Areas
54 and the agencies having jurisdiction over state-owned lands shall have
55 jurisdiction, as set forth in this subchapter, over all state-owned
56 lands for the purpose of mineral development and mining on that land.

2 ~~Resources-Information-and-Mapping-Center~~ Bureau of Geology and
3 Natural Areas and the agencies having jurisdiction over
4 state-owned lands may make such rules as each deems proper with
respect to the authority delegated pursuant to this subchapter.

6 **Sec. 15. 12 MRSA §549-A, sub-§2**, as enacted by PL 1985, c.
7 201, §2 and amended by PL 1995, c. 502, Pt. E, §32, is further
8 amended to read:

10 **2. Director of the survey.** "Director of the survey" means
11 the Director of the ~~Natural-Resources-Information-and-Mapping~~
12 ~~Center~~ Bureau of Geology and Natural Areas.

14 **Sec. 16. 12 MRSA §550-B, sub-§3, ¶A**, as enacted by PL 1987, c.
15 509 and amended by PL 1995, c. 502, Pt. E, §32, is further
16 amended to read:

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

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

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

44 **Sec. 18. 12 MRSA §1835, sub-§1, ¶A**, as enacted by PL 1997, c.
45 678, §13, is amended to read:

46 A. The first \$20,000 in the aggregate of any money accruing
47 from the alienation of rights to mine upon nonreserved
48 public land, or other income arising out of mining
49 operations, that is actually received during any fiscal
50

2 year, and every portion thereof accruing from these mining
operations, must be paid into the ~~Natural--Reseources~~
4 ~~Information-and-Mapping-Center~~ Bureau of Geology and Natural
Areas.

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

8
10 **2. Management plans.** The director shall prepare, revise
from time to time and maintain a comprehensive management plan
12 for the management of the public reserved lands in accordance
with the guidelines in this subchapter. The plan must provide
14 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
16 extent practicable, shall compile and maintain an adequate
inventory of the public reserved lands, including not only the
18 timber on those lands but also the other multiple use values for
which the public reserved lands are managed. In addition, the
20 director shall consider all criteria listed in section 1858 for
the location of public reserved lands in developing the
22 management plan. The director is entitled to the full
cooperation of the ~~Natural--Resources--Information--and--Mapping~~
24 ~~Center~~ Bureau of Geology and Natural Areas, the Department of
Inland Fisheries and Wildlife, the Maine Land Use Regulation
26 Commission and the State Planning Office in compiling and
maintaining the inventory of the public reserved lands. The
28 director shall consult with those agencies as well as other
appropriate state agencies in the preparation and maintenance of
30 the comprehensive management plan for the public reserved lands.
The plan must provide for the demonstration of appropriate
32 management practices that will enhance the timber, wildlife,
recreation, economic and other values of the lands. All
34 management of the public reserved lands, to the extent
practicable, must be in accordance with this management plan when
36 prepared.

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

50

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

4 A. The first \$20,000 in the aggregate of any money accruing
6 from the alienation of rights to mine upon public reserved
8 land, or other income arising out of mining operations, that
10 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.

12 **Sec. 21. 12 MRSA §5013, sub-§5**, as repealed and replaced by PL
14 1977, c. 674, §15 and amended by PL 1995, c. 502, Pt. E, §32, is
 further amended to read:

16 **5. Bureau of Geology and Natural Areas.** The ~~Natural~~
18 ~~Resources-Information-and-Mapping-Center~~ shall be Bureau of
 Geology and Natural Areas is under the direction and supervision
20 of a director who shall be is appointed by, and serve serves at
 the pleasure of, the commissioner.

22 **Sec. 22. 12 MRSA §7781, sub-§3**, as enacted by PL 1995, c. 494,
24 §6 and amended by c. 502, Pt. E, §32, is further amended to read:

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

32 **Sec. 23. 12 MRSA §7788, sub-§1**, as enacted by PL 1995, c.
34 494, §6 and amended by c. 502, Pt. E, §32, is further amended to
 read:

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

2 **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:

4
6 D. Rare or exemplary natural communities or ecosystems as
determined by the State's Natural Resources-Information-and
Mapping-Center Areas Program database;

8
10 **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:

12
14 **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
16 low herbaceous vegetation, grasses, weeds and shrubs and
including wetlands, as shown on the Freshwater Wetlands Map
18 Series, Natural-Resources-Information-and-Mapping-Center Bureau
of Geology and Natural Areas, Maine Geological Survey, or zoned
20 as a Wetland Protection Subdistrict, P-WL, by the Maine Land Use
Regulation Commission.

22
24 **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:

26
28 **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
30 technical assistance for waste management.

32 **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
34 amended to read:

36 **8. Transfer of funds.** Notwithstanding Title 5, section
1585, funds allocated under this section must be transferred as
38 necessary to accomplish the purposes of this section and Title
38, chapter 14-A from the department to other agencies, including
40 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
42 within the Department of Conservation and the Maine Land Use
44 Regulation Commission.

46 **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
48 read:

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

10 **Sec. 29. 32 MRSA §4700-G, sub-§6,** as enacted by PL 1991, c.
11 455, Pt. B, §1 and amended by PL 1995, c. 502, Pt. E, §32, is
12 further amended to read:

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

22 **Sec. 30. 38 MRSA §361-A, sub-§1-D,** as enacted by PL 1981, c.
23 470, Pt. A, §164 and amended by PL 1995, c. 502, Pt. E, §32, is
24 further amended to read:

25 **1-D. Aquifer.** "Aquifer" means a geologic formation composed
26 of rock or sand and gravel that stores and transmits significant
27 quantities of recoverable water, as identified by the ~~Natural
28 Resources--Information--and--Mapping--Center~~ Bureau of Geology and
29 Natural Areas, Maine Geological Survey within the Department of
30 Conservation.

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

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

2 **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:

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

12 **Sec. 33. 38 MRSA §480-Y, sub-§2, ¶C**, as enacted by PL 1995, c.
14 659, §1, is amended to read:

16 C. The pond may not be located in a wetland containing
endangered or threatened plant species as determined
18 pursuant to Title 5 12, section ~~13078~~ 544-B, subsection 3 or
containing a natural community that is imperiled (S2) or
20 critically imperiled (S1) as defined by the Natural Areas
Program pursuant to Title 5 12, section ~~13076~~ 544.

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

26 **1. Significant wildlife habitat.** Affected land may not be
located in a significant wildlife habitat, as defined in section
28 480-B, or in an area listed pursuant to the Natural Areas
Program, Title 5 12, section ~~13076~~ 544. The department may not
30 grant a variance from the provisions of this subsection.

32 **Sec. 35. 38 MRSA §490-Z, sub-§1**, as enacted by PL 1995, c.
34 700, §35, is amended to read:

36 **1. Significant wildlife habitat.** Affected land may not be
located in a significant wildlife habitat as defined in section
38 480-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.

40 **Sec. 36. 38 MRSA §549**, as affected by PL 1989, c. 890, Pt. A,
42 §40 and amended by Pt. B, §115 and amended by PL 1995, c. 502,
Pt. E, §32, is further amended to read:

44 **§549. Personnel and equipment**

46 The commissioner shall establish and maintain at such ports
48 within the State, and other places as the commissioner
determines, employees and equipment necessary to carry out this
50 subchapter. The commissioner, subject to the Civil Service Law,

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

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

16
18 A. The landfill is a licensed municipal solid waste
landfill or the municipality has been ordered to close or
20 remediate a landfill pursuant to section 1310-D, subsection
2 in which case the landfill must be closed in accordance
with subsection 1; and

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

26
28 B. The landfill meets one of the following criteria, in
which case the landfill must close in accordance with
subsection 3:

30
32 (1) A drinking water supply well is located within
1,000 feet of the solid waste boundary of the landfill;

34
36 (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
38 sand and gravel aquifer as mapped by the ~~Natural~~
~~Resources--Information--and--Mapping--Center~~ Bureau of
Geology and Natural Areas, Maine Geological Survey
40 within the Department of Conservation;

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

44
46 (4) The landfill has received hazardous industrial
wastes.

48 **Sec. 39. 38 MRSA §1454-A, sub-§5**, as amended by PL 1995, c.
50 333, §5 and c. 502, Pt. E, §32, is further amended to read:

2 **5. Transfer of funds.** Notwithstanding Title 5, section
3 1585, funds allocated under this section may be transferred as
4 necessary to accomplish the purposes of this chapter from the
5 Department of Human Services to other agencies, including the
6 Department of Environmental Protection, ~~Natural--Resources
7 Information--and--Mapping--Center~~ Bureau of Geology and Natural
8 Areas within the Department of Conservation, Maine Land Use
9 Regulation Commission, Division of Health Engineering and the
10 State Planning Office.

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

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

21 **Sec. 41. 38 MRSA §2152, sub-§2, ¶C**, as enacted by PL 1989, c.
22 585, Pt. A, §7 and amended by PL 1995, c. 502, Pt. E, §32, is
23 further amended to read:

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

28
29
30
31
32
33 **SUMMARY**

34 This bill changes the name of the Natural Resources
35 Information and Mapping Center to the Bureau of Geology and
36 Natural Areas to more accurately reflect the responsibilities and
37 duties performed by the center. The name change is also needed
38 to distinguish the Maine Geological Survey and the Maine Natural
39 Areas Program and identify which program serves on specific
40 advisory boards. The bill also corrects an inconsistency in the
41 statutes by moving the Natural Areas Program enabling statute
42 from the Department of Economic and Community Development to the
43 Department of Conservation, where it was moved by law in 1995.
44