

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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1981

CHAPTER 396
S. P. 412 — L. D. 1216

AN ACT to Amend the Law Relating to the Public Reserved Lands.

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

Sec. 1. 30 MRSA § 4162, sub-§ 9 is enacted to read:

9. Lease rates. The annual fee for camp leases under subsection 4, shall not exceed 10% of the fair market value of the land, as determined at least biennially by the State Tax Assessor.

Sec. 2. 30 MRSA § 4163, as repealed and replaced by PL 1975, c. 623, § 47, is amended by adding at the end a new paragraph to read:

The Director of the Bureau of Public Lands shall use 50% of the net income derived from camp leases on public reserved lands under section 4162, subsection 4 for the construction and maintenance of public overnight campsites and other camping and recreational facilities.

Sec. 3. Transition. Until a particular lease lot has been valued in accordance with section 1 of this Act, the annual fee for that lease shall not exceed the fee charged for the 1981 calendar year.

Effective September 18, 1981

CHAPTER 397
S. P. 479 — L. D. 1362

AN ACT to Protect Public and Private Property from Ice Jams.

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

Whereas, the 90-day period may not elapse until after the next spring flood season; and

Whereas, there is a necessity for an established procedure to remove ice jams and debris from the rivers and streams; and

Whereas, these ice jams may pose a grave threat to public safety and public and private property; and

Whereas, it is essential to have these procedures in place before the next spring flood season; 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. 35 MRSA § 14 is repealed.

Sec. 2. 37-A, chapter 7-A is enacted to read:

CHAPTER 7-A

REMOVAL OF ICE JAMS

§ 191. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. **Director.** "Director" means the Director of the Bureau of Civil Emergency Preparedness.
2. **Ice jams.** "Ice jams" means the accumulation of ice or other debris in the bed of any river or stream above the head of tide.
3. **Local organizations for civil emergency preparedness.** "Local organizations for civil emergency preparedness" means an organization created in accordance with chapter 3 by state, county or local authority to perform local civil emergency preparedness functions.

§ 192. Duties of the director

The director shall establish procedures for protecting the public safety and public and private property from ice jams or other flooding. These procedures shall contain as a minimum the following:

1. **Contingency plans.** State and local contingency plans for dealing with emergencies caused by ice jams and other flooding;
2. **Reviewing agencies.** Designation of those state agencies that shall review requests to remove ice jams and procedures to expedite this review; and
3. **Rules.** Rules, promulgated in accordance with Title 5, chapter 375, subchapter I, to carry out the purposes of this chapter.

§ 193. Duties of local organizations for civil emergency preparedness

1. **Monitoring.** The local organization designated under section 59 shall monitor water levels, accumulation of ice and debris, and other conditions related to flooding in rivers and streams in the area of their jurisdiction.

2. **Permission to remove ice jams.** If he deems it necessary, the director of this local organization shall request permission from the Director of the Bureau of Civil Emergency Preparedness to remove ice jams and other similar hazards. This request shall be in writing, or, if necessary, orally with written confirmation sent within 24 hours.

3. **Emergency.** If the accumulation of ice or other debris creates an imminent hazard to public safety, the municipal officers, in consultation with the director of the local organization, may order the immediate removal of these obstructions.

§ 194. Procedure

1. **Requests.** The director shall accept requests from local organizations to remove ice jams and other accumulation of debris.

2. **Review of requests.** The director shall designate those agencies that shall review requests for removing ice jams. Each agency so designated shall identify the person in the agency responsible for this review, and procedures for conducting the review in a timely manner.

3. **Notice.** Prior to removing any ice jam, the director of the local organization shall notify the directors of the local organizations in any area that may reasonably be affected by the removal of an ice jam. Under no circumstances may any ice jams be removed without fulfilling this requirement.

4. **Methods.** Municipalities may employ any method, including mechanical removal, dusting, icebreaking vessels or explosives to remove ice jams.

§ 195. Project review

If practical, a representative from the Bureau of Civil Emergency Preparedness shall be present during ice jam and debris removal operations. Information that may be useful in future ice jam and debris removal operations shall be recorded. A follow-up report on the specific measures employed and the effectiveness of the removal operation in abating public danger and damage by flood for each removal operation shall be formulated and maintained by the bureau.

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