

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

B. For each vacancy on the board, the executive council for the assembly of tablestock growers, established according to Title 36, section 4603, shall submit a list of at least 3 nominees at least 30 days before each new term of office begins or after any vacancy occurs.

Sec. 3. 7 MRSA §1008-B, sub-§8, as amended by PL 1985, c. 295, §§24 and 25, is further amended to read:

8. Duties of the board. The board shall:

A. Prior to the beginning of each marketing year, study the existing supply of potatoes in the State and the existing and potential market for the potatoes and shall recommend to the commissioner a pricing strategy for the marketing year or any month or portion thereof. In developing this policy, the board shall consider economic and marketing information, including the estimated volume of Maine potatoes; the estimated volume of potatoes available in other areas; the past, present and prospective demand for Maine potatoes of various grades, sizes and varieties; and conditions under which a fair market value can not be determined. The board shall advise the commissioner of its findings along with recommendations for procedures to guide the determination of a daily fair market value; ~~and~~

B. Recommend to the commissioner a schedule for establishing premiums and discounts to reflect differences in quality, container type, transportation cost and such other factors as the board deems appropriate; and

C. Identify and report marketing information on broccoli and other rotational crops which play a role in determining the economic viability of the potato industry in this State.

Sec. 4. 7 MRSA §1008-G, as enacted by PL 1983, c. 582, §1, is amended to read:

§1008-G. Personal liability of board member

No member or alternate of the board, nor any employee or agent thereof, may be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes or other acts, either of commission or omission, ~~as~~ of such member, alternate or employee, except for acts of dishonesty.

Sec. 5. PL 1983, c. 582, §4, as amended by PL 1985, c. 450, is repealed.

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

Effective June 25, 1987.

CHAPTER 435

S.P. 559 — L.D. 1671

AN ACT to Establish the Aroostook Water and Soil Management Board.

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

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(1-A1) is enacted to read:

(1-A1)	<u>Agriculture</u>	<u>Aroostook Water and Soil Management Board</u>	<u>Expenses Only</u>	<u>7 MRSA §332</u>
--------	--------------------	--	----------------------	--------------------

Sec. 2. 7 MRSA §1, as amended by PL 1985, c. 785, Pt. B, §42, is further amended to read:

§1. Department of Agriculture, Food and Rural Resources

The Department of Agriculture, Food and Rural Resources, as established and in this Title called the "department," shall be maintained for the improvement of agriculture and the advancement of the interests of husbandry, and shall consist of the Commissioner of Agriculture, Food and Rural Resources, in this Title called the "commissioner," and the following as created and established: The Aroostook Water and Soil Management Board, the Board of Pesticide Control, the Maine Dairy and Nutrition Council Committee, the Maine Dairy Promotion Board, the Maine Milk Commission, the Maine Potato Commission, the Seed Potato Board, the Soil and Water Conservation Commission, the Harness Racing Commission, the Board of Veterinary Medicine and the Animal Welfare Board. The commissioner shall be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture and to confirmation by the Legislature, and shall hold office during the pleasure of the Governor. He shall receive his actual expenses incurred in the performance of his official duties. He may employ such clerical labor as may be required, subject to the Civil Service Law, and he may expend such sums for postage, telephone, telegraph and other general office expenses as may be necessary in the performance of his duties, the same to be paid out of any money appropriated by the Legislature for such purpose.

Sec. 3. 7 MRSA Pt. 1-B, c. 11 is enacted to read:

PART 1-B

AROOSTOOK COUNTY WATER AND SOIL MANAGEMENT PROGRAM

CHAPTER 11

AROOSTOOK COUNTY WATER AND SOIL MANAGEMENT PROGRAM

§331. Legislative findings

The Legislature finds that:

1. Agriculture; unique component of economy. Agriculture, and particularly the production and marketing of potatoes, is a significant and unique component of the economy of the State as a whole and particularly the economy of northern Maine. A strengthened Aroostook agriculture benefits the entire State by enhancing the State's economy and encouraging improvement and stabilization of our land and water resources for the benefit of the people of this State.

2. Decline of potato production. Maine led the nation in potato production until 1957. The loss of traditional markets due to changing consumer demands and increased competition from other areas, including the irrigated western United States, has resulted in a steady decline of potato production. Expanding marketing opportunities exist for both fresh and processed potatoes, but entry into these markets depends on production of a consistently high quality product at a competitive price. Improvements in quality and yields require improved conservation practices and management of water resources.

3. Absence of appropriate conservation practices. Of the 240,000 acres of cropland in Aroostook County, 194,000 acres are considered highly erodible. The absence of appropriate conservation practices on this highly erodible land results in polluted rivers, streams and lakes and potentially endangered water supplies, fish and wildlife. Poor conservation practices also lead to decreasing soil productivity.

4. Technology of supplemental water application. There are many unanswered questions about the technology of supplemental water application to row crops in the northeastern United States, including crop response to irrigation, economic returns from irrigation and the availability of and impact on ground and surface waters as a result of irrigation.

5. Possible improvements. The United States Army Corps of Engineers completed a study of the St. John River Basin, including most of Aroostook County, which suggests that it is possible to improve both the agricultural industry and environmental quality through cropland irrigation and improved agricultural conservation practices.

6. Federal funds. The United States Congress has authorized the expenditure of \$3,400,000 in federal funds to implement a program of research and education in order to demonstrate the cropland irrigation and conservation techniques described in the Army Corps of Engineers' "Feasibility Report for Cropland Irrigation and Conservation Research/Demonstration Program." The United States Congress has required that an amount equal to 35% of available federal funds be provided from other sources to match any federal appropriation.

7. Coordinated approach. Maine will benefit from a coordinated approach to securing the funds necessary to match the Army Corps of Engineers' authorization and from working with the Army Corps of Engineers to implement this water and soil management program.

§332. Aroostook Water and Soil Management Board

1. Membership. The Aroostook Water and Soil Management Board, as established by Title 5, section 12004, subsection 8, shall consist of the following: The Chairman of the Maine Potato Board; one person designated by the Maine Potato Board who shall 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 Maine Geological Survey; the Director of the Northern Maine Regional Planning Commission; and the Commissioner of Agriculture, Food and Rural Resources.

2. Terms. The member appointed by the Maine Potato Board and the members appointed to represent the Aroostook County Soil and Water Conservation Districts shall each serve a 4-year term.

3. Chairman. The board shall annually select one of its members to serve as chairman.

4. Compensation. Board members shall be compensated in accordance with Title 5, chapter 379.

5. Responsibilities. The board shall coordinate all state and local efforts with respect to implementation of the United States Army Corps of Engineers Conservation Research/Demonstration Program. Coordination includes, but is not limited to:

A. Determining research priorities and informational needs relative to improved water and soil management practices;

B. Entering into agreements with the United States Army Corps of Engineers, the University of Maine System, the United States Department of Agriculture Soil Conservation Service, the United States Department of Agriculture Agricultural Research Service, local soil and water conservation districts, state agencies, private organizations and individuals to carry out research, demonstration and informational activities related to the program;

C. Assuring that new information developed by the program is effectively disseminated; and

D. Evaluating progress of the program and making recommendations regarding its future direction.

6. Staff. Staff to the board shall be provided by the Department of Agriculture, Food and Rural Resources.

7. Report. The board shall report at least annually to the joint standing committee of the Legislature having jurisdiction over agriculture. The report shall include an accounting of its meetings and actions, including agreements entered into, status of demonstration projects, research findings, informational activities and an evaluation of the program, with recommendations regarding changes or improvements in the program.

§333. Aroostook Water and Soil Management Fund

There is established a nonlapsing Aroostook Water and Soil Management Fund. The Commissioner of Agriculture, Food and Rural Resources may accept money for this fund from the Federal Government or any public or private source and make expenditures from this fund in order to carry out activities related to the program.

Sec. 4. Allocation. The following funds are allocated from the federal funds made available for this project.

	1987-88	1988-89
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>		
Aroostook Water and Soil Management Fund		
Unallocated	\$1,825,000	\$820,000
Effective September 29, 1987.		

CHAPTER 436

S.P. 483 — L.D. 1460

AN ACT to Make Technical Amendments in the Certificate of Need Act to Expedite the Process.

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

Sec. 1. 22 MRSA §304-A, sub-§3, as enacted by PL 1981, c. 705, Pt. V, §16, is amended to read:

3. Capital expenditures. The obligation by or on behalf of a health care facility, except a skilled or intermediate care facility, of any capital expenditure of \$350,000 or more. Intermediate care and skilled nursing care facilities shall have a threshold of \$500,000, except that any transfer of ownership shall be reviewable;

Sec. 2. 22 MRSA §306-A, sub-§1, as enacted by PL 1981, c. 705, Pt. V, §19, is amended to read:

1. Letter of intent. Prior to filing an application for a certificate of need, an applicant shall file a letter of in-

~~tent with the department no less than 30 days prior to the date on which the application is to be filed. The letter of intent shall form the basis for determining the applicability of this chapter to the proposed expenditure or action. A letter of intent shall be deemed withdrawn one year after receipt by the department, unless sooner superseded by an application; provided that the applicant shall not be precluded from resubmitting the same letter of intent.~~

Sec. 3. 22 MRSA §306-A, sub-§§2, 3 and 4, as amended by PL 1985, c. 418, §6, are further amended to read:

2. Application filed. Upon a determination by the department that a certificate of need is required for a proposed expenditure or action, an application for a certificate of need shall be filed with the department if the applicant wishes to proceed with the project. Prior to filing a formal application for a certificate of need, the applicant is required to meet with the department staff in order to assist the department in understanding the application and to receive technical assistance concerning the nature, extent and format of the documentary evidence, statistical data and financial data required for the department to evaluate the proposal. The department shall not accept an application for review until the applicant has satisfied this technical assistance requirement unless waived in writing by both parties. The technical assistance meeting shall take place within 30 days subsequent to receipt of the letter of intent, unless waived in writing by both parties.

3. Additional information required. Additional information may be required or requested as follows.

A. If, after receipt of an application, the department determines that additional information is necessary before the application can be considered complete, the department may:

(1) Require the applicant to respond to 2 sets one set of requests for additional information from the department, provided that a 2nd request is directly related to the first information request or to the information provided in response to the first request. Applicants must submit additional information requested by the department within 30 business days or within a longer period of time, provided that the department and the applicant agree; and

(2) Request, but not require, the applicant to respond to additional sets of requests for information, provided that each request is directly related to the last request or to the information provided in response to the last request.

C. Within 15 business days after the filing of an application or response to any information request, whichever is applicable, with the department, the department shall notify the applicant in writing that:

(1) The application contains all necessary information required and is complete; or