

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

line. In addition to finding that the requirements of section 484, subsections 1 to 9 have been met, the board, in the case of the transmission line or pipeline, shall consider whether any proposed alternatives to the proposed location and character of the transmission line or pipeline may lessen its impact on the environment or the risks it would engender to the public health or safety, without unreasonably increasing its cost. The board may approve or disapprove all or portions of the proposed transmission line or pipeline and shall make such orders regarding its location, character, width and appearance as will lessen its impact on the environment, having regard for any increased costs to the applicant.

Sec. 14. 38 MRSA §488, sub-§4 is enacted to read:

4. Exemption. Development which consists only of a subdivision or subdivisions located entirely within the area of the State subject to the jurisdiction of the Maine Land Use Regulation Commission under Title 12, chapter 206-A, is exempt from the requirements of this article. New construction which is not a development which may substantially affect the environment at an existing manufacturing facility is exempt from review under this article provided that the additional disturbed area not to be revegetated does not exceed 30,000 square feet in any calendar year. When review under this article is required for development at an existing manufacturing facility, the applicant shall provide plans for the new development, as well as for those activities which have been undertaken pursuant to this subsection.

Sec. 15. 38 MRSA §489, sub-§1, ¶A-1 is enacted to read:

A-1. Adopted a comprehensive plan and related land use ordinances, consistent with Title 30, chapter 239, subchapter VI, and subdivision ordinance, consistent with Title 30, chapter 239, subchapter V, all of which are consistent with criteria set forth in section 484;

Sec. 16. 38 MRSA §489, sub-§3, as enacted by PL 1975, c. 447, is amended to read:

3. Effective date of permit. No permit issued by a municipality shall may become effective until 30 days subsequent to its issuance receipt by the board. A copy of the application for the permit, the permit issued by the municipality and its findings on review of the application shall be sent to the board immediately upon its issuance by certified mail. The board shall review such permit and either approve, deny or modify it as it deems necessary. ~~Failure of~~ If the board to does not act within 30 days of the issuance receipt of the permit by from the municipality this shall constitute its approval and the permit shall be effective as issued.

Sec. 17. 38 MRSA §489, sub-§6 is enacted to read:

6. Joint enforcement. Any person who violates any permit issued under this section is subject to the provisions of section 349 in addition to any penalties which

the municipality may impose. The provisions of this section may be enforced by the department and the municipality which issued the permit.

Sec. 18. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to developments which are pending before the Department of Environmental Protection on the effective date of this Act, but not determined to be complete by the department prior to the date of enactment or, for those developments which do not require approval by the Department of Environmental Protection under the law in effect on the date of enactment, this Act applies to developments which, prior to the date of enactment, have not had at least one substantive review or which have not been determined to be complete by the municipal reviewing authority.

Effective August 4, 1988.

CHAPTER 813

H.P. 1893 — L.D. 2586

AN ACT to Encourage and Monitor the Use of New Potato Varieties.

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

Sec. 1. 7 MRSA §2157 is enacted to read:

§2157. Potato Variety Development Program

1. Promotion. The Maine Potato Board shall be responsible for developing, each year, a program to promote new potato varieties.

2. Breeding. The Maine Agricultural Experiment Station shall be responsible for breeding and testing of new potato varieties.

3. Testing. The Maine Agricultural Experiment Station shall hire an agronomist to work with the Maine Potato Breeding Program in Presque Isle to test new potato varieties. The agronomist shall be responsible for:

A. Developing the best cultural practices for new varieties;

B. Promoting new varieties of Maine seed potatoes to farmers in Maine and other areas;

C. Establishing field trials of new varieties; and

D. Monitoring the sales and performance of the new varieties.

4. Multiplication. The Seed Potato Board shall be responsible for multiplying seedstocks of advanced selec-

tions from breeding programs. The board shall establish an isolated facility at the Porter Farm to produce a sufficient volume of pathogen-free seedstocks of advanced selections from breeding programs, in order to:

A. Provide extensive and rigorous pathogen testing on the seedstocks introduced, cultured and multiplied in the facility;

B. Establish systematic production of pathogen-free seedstocks by meristem culture after heat therapy to free the stocks of any infectious viruses; and

C. Provide limited increase of the pathogen-free seedstocks in the field to produce quality seed potatoes for further evaluation by breeders and growers.

5. Challenge grants. The commissioner shall establish a challenge grant program to help in establishing field trials for new potato varieties. Grant proposals shall be approved by the commissioner after review and recommendation by the Potato Plant Breeder at the Maine Agricultural Experiment Station in Presque Isle, the Director of the Division of Plant Industry, the chairman of the seed grower's executive council of the Maine Potato Board and the Director of the Seed Potato Board. Grants may be given to farmers outside of this State. Grants may consist of seed, and assistance in determining cultural practices, and a percentage of the farmer's production costs to be determined by the commissioner. Those receiving grants shall cooperate with the agronomist of the Maine Agricultural Experiment Station in developing the best cultural practices and sharing production and marketing information.

6. Reporting. The agronomist of the Maine Agricultural Experiment Station shall monitor the sales and performance of new potato varieties and shall report annually to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture. The report shall summarize the field trial program and address total sales of new seedstock, adoption of new varieties by the State's farmers, yields, quality and other indicators of performance.

7. Potato Variety Development Fund. There is established a nonlapsing Potato Variety Development 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 relative to the program. Any General Fund money appropriated for potato variety development shall be deposited into the Potato Variety Development Fund.

8. Rules. The commissioner shall adopt rules, according to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, for the interpretation and implementation of this section.

Sec. 2. Appropriation. The following funds are ap-

propriated from the General Fund to carry out the purposes of this Act.

1988-89

AGRICULTURE, FOOD AND RURAL
RESOURCES, DEPARTMENT OF

Bureau of Agricultural Production

All Other

\$50,000

This funding represents the first installment of a proposed 5-year plan. The Federal Government, through the United States Department of Agriculture-Agriculture Research Service, will provide companion funding. This bill provides \$35,000 to fund an agronomist position at the Maine Agricultural Experiment Station in Presque Isle to encourage and monitor the use of new potato varieties in cooperation with other cooperating agencies; \$11,500 to the Porter Farm to defray startup and operating costs; \$3,500 to fund the challenge grant program which is created in this Act.

Effective August 4, 1988.

CHAPTER 814

S.P. 855 — L.D. 2231

AN ACT Relating to Coastal Search and Rescue Responsibilities and Creating the Study Commission on Coastal Search and Rescue.

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

Sec. 1. 12 MRSA §6029 is enacted to read:

§6029. Search and rescue operations

The Bureau of Marine Patrol is authorized to provide search and rescue services along the coastal waters of the State.

Sec. 2. Commission established. There is established the Study Commission on Coastal Search and Rescue.

1. **Membership.** The commission shall be composed of the 11 members selected as follows: Two Senators selected by the President of the Senate representing the Joint Standing Committee on Marine Resources and the Joint Standing Committee on State and Local Government; 4 representatives selected by the Speaker of the House, representing the Joint Standing Committee on Marine Resources, the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs; the Chief of the Bureau of Marine Patrol or the chief's designee; the Commissioner of Marine Resources; the Direc-