

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FOURTH SPECIAL SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 890

H.P. 2000 — L.D. 2702

AN ACT to Amend the Laws Relating to the Protection of Natural Resources.

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

Whereas, it is vitally necessary that routine repairs on certain public works projects and limited private projects be allowed to progress before the expiration of the 90-day period; 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. 38 MRSA §480-Q, sub-§§7 and 8, as enacted by PL 1987, c. 809, §2, are amended to read:

7. Forestry. Alteration of a freshwater wetland associated with normal forestry management and harvesting activities is exempt from the provisions of this article. The determination of what constitutes normal forestry management and harvesting activities shall be made by the Maine Land Use Regulation Commission regardless of whether the freshwater wetland is located within the jurisdiction of the commission and according to standards adopted by the commission. For purposes of this subsection, "normal forestry management and harvesting activities" means those activities which meet the forestry standards of the Maine Land Use Regulation Commission; and

8. Hydropower projects. Hydropower projects are exempt from the provisions of this article to the extent provided in section 634. Alteration of a freshwater wetland associated with the operation of a hydropower project, as defined in section 632, is exempt from the provisions of this article, but is subject to chapter 5, subchapter I, article 1, subarticle 1-B, where applicable; and

Sec. 2. 38 MRSA §480-Q, sub-§9 is enacted to read:

9. Public works. A permit is not required for emergency repair or normal maintenance and repair of existing public works which affect any protected natural resource. An activity which is exempt under this subsection shall employ erosion control measures to prevent sedimentation of any surface water, shall not block fish passage in any water course and shall not result in any additional intrusion of the public works into the protected natural resource. This exemption does not apply to any

activity on an outstanding river segment as listed in section 480-P.

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

Effective November 29, 1988.

CHAPTER 891

S.P. 1042 — L.D. 2703

AN ACT to Extend Temporarily the Time Period During Which the Department of Marine Resources May Conduct On-site Evaluations of Coastal Aquaculture Installations.

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

Whereas, currently required site evaluations on the part of the Department of Marine Resources biologists may only be conducted between May 1st and September 30th annually; and

Whereas, unless this legislation is enacted as an emergency measure and those dates are suspended, individuals involved in the aquaculture industry will be precluded from effectively pursuing production since stocking and seeding must occur early in the limited optimal growing season in Maine; 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:

12 MRSA §6072, sub-§5-B is enacted to read:

5-B. Extension of site review; Toothacher Bay; repeal. Notwithstanding the time period specified in subsection 5-A, the department shall conduct site reviews on applications for finfish aquaculture projects in Toothacher Bay on Swan's Island from December 1, 1988 to May 1, 1989 if ice conditions permit. This subsection is repealed on May 1, 1989.

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

Effective November 29, 1988.