

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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funding must be at least \$5,000 but may not be more than \$10,000 as determined by the superintendent. Program payments must be made to the individual or entity paying the medical malpractice premium for the qualified physician.

### **§6309. Intercorporate transfers**

The superintendent may order intercorporate transfers of funds to balance assessments and ~~premium credits~~ program payments on an equitable basis among insurers and to provide for ~~credits~~ payments to eligible self-insureds.

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

Effective March 26, 1992.

## **CHAPTER 735**

**S.P. 876 - L.D. 2237**

### **An Act to Implement a Comprehensive Ambient Toxics Monitoring Program**

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

**Sec. 1. 12 MRSA §7771, sub-§5** is enacted to read:

**5. Permits allowing the use of gill nets by other state agencies.** Notwithstanding the provisions of section 7621, the department may authorize the use of gill nets by other state agencies for purposes of scientific research or public safety projects. The authority granted to the department under this subsection is subject to the following constraints.

A. Any authorization by the department for another state agency to utilize gill nets must be given through written permit.

B. Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the state agency responsible for setting the net.

C. The results of each netting must be forwarded on a weekly basis to the Department of Inland Fisheries and Wildlife, where the records are available for public inspection.

**Sec. 2. Findings.** The discharge of pollutants from certain point and nonpoint sources into Maine waters introduces certain toxic substances, as defined in the Maine Revised Statutes, Title 38, section 420, into the

environment. The fate and impact of these substances is not well understood. The Legislature finds that:

A. The State should have a scientifically valid water toxics program to monitor for the presence of toxic substances in the ambient environment of all surface waters of the State. This program should take into consideration but be distinct from testing performed on the effluent from individual discharges;

B. Such a scientifically valid program should allow for the testing of tissue, sediment and the water column for priority pollutants and other suspected toxics and include biomonitoring;

C. The Department of Environmental Protection, other state, local and federal agencies, and private entities have collected and analyzed fish and shellfish tissue, sediment and ambient water samples for toxic substances in Maine lakes, rivers, estuaries and coastal waters. In addition, biomonitoring has been conducted on rivers and streams in the State;

D. Only limited compilation and systematic cataloging of existing data or data collection efforts have been performed in order to evaluate the adequacy of current data collection efforts and to identify gaps in the State's knowledge of the fate and significance of toxic substances in the aquatic and marine environment; and

E. Except for the existing dioxin program, the State currently has no formal program to monitor toxic substances in the ambient aquatic environment.

**Sec. 3. Data collection; evaluation and program design.** The Commissioner of Environmental Protection shall submit a written report to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters on or before January 15, 1993. The report must include:

A. A listing of current data collection efforts in the area of ambient water toxics monitoring;

B. The level and sources of funding for these efforts;

C. A summary of the results of these collection efforts that, in the commissioner's professional judgment, represents objective, verifiable and scientifically valid data;

D. The commissioner's findings on whether existing data and data collection efforts constitute a scientifically valid water toxics monitoring program; and

E. If a water toxics monitoring program is not currently in place, the commissioner's recommendations on the appropriate design and necessary components of a monitoring program to fill existing gaps in data and to provide for ongoing data collection. A plan for this program must be developed that includes identification and prioritization of water bodies to be monitored based on known and suspected sources, identification of toxic substances to be monitored, description of methods to be used, a monitoring schedule and development of reporting and review requirements. The commissioner shall identify the level of funding required for the program and propose a strategy to fund the program.

**Sec. 4. Public participation.** In all of the activities required under section 3 of this Act including the development and review of findings and recommendations, the commissioner shall consult with an advisory group convened and selected by the commissioner from representatives of the regulated community, including industry, small businesses and municipalities; public interest groups, including environmental and public health organizations; the commercial fishing industry; recreational fishing groups; and the general public.

See title page for effective date.

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## CHAPTER 736

### H.P. 1555 - L.D. 2193

#### An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties

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

**Sec. 1. 12 MRSA §7076, sub-§4,** as amended by PL 1991, c. 59, §1, is further amended to read:

**4. Resident disabled war veterans.** A complimentary license to hunt or fish, or a combination hunting and fishing license, and, if requested, a pheasant hunting permit and a muzzle-loading hunting license under section 7107-A must be issued to any resident of Maine who:

- A. Is a veteran, as defined in Title 37-B, section 505, subsection 1, paragraph A, subparagraph (5);
- B. Has a service-connected disability evaluated at 70% or more as a result of honorable military service;
- C. Has served in a combat zone during either World War I, World War II, the Korean War or the Vietnam War; and

D. Applies for that license to the commissioner.

This application must be accompanied by a photo copy of the applicant's final DD form 214 or other evidence satisfactory to the commissioner that the applicant meets the requirements of this subsection. Each license issued under this subsection remains valid through December 31st of the 2nd complete calendar year following the year of issuance.

**Sec. 2. 12 MRSA §7106-A** is enacted to read:

#### §7106-A. Pheasant hunting permit

**1. Issuance.** The commissioner or the commissioner's authorized agent shall issue a pheasant hunting permit in the form of a stamp to applicants 16 years of age or older permitting them to hunt or possess pheasant in Cumberland County and York County. Persons under 16 years of age may, without such a permit, hunt or possess pheasant in accordance with chapters 701 to 721.

**2. Fee.** The fee for a pheasant hunting permit is \$16, \$1 of which is retained by the commissioner's authorized agent.

**3. Validation.** A pheasant hunting permit is validated by the permittee writing the permittee's signature across the face of the stamp in ink.

**4. Restrictions.** The following apply to the hunting or possession of any pheasant.

A. A pheasant hunting permit must be exhibited to any warden or employee of the department upon request.

B. Permittees shall keep an unexpired, validated pheasant hunting permit in their possession when hunting or possessing any pheasant.

**5. Repeal; report; limitations.** This section is repealed June 30, 1993. The commissioner, with the cooperation of rod and gun clubs that raise pheasants, shall report to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters by January 1, 1993. The report must include recommendations concerning the continuation of the pheasant hunting permit program, including how it may be funded and the role of the rod and gun clubs in acquiring and raising pheasants. The report must also include a planned pheasant stamp design to make the stamp design attractive to collectors.

The department may purchase pheasants but may not raise or be directly involved in the production of pheasants for release to supply pheasants for pheasant hunting.