

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

J.S. McCarthy Company
Augusta, Maine
1993

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

**MENTAL HEALTH AND
MENTAL RETARDATION,
DEPARTMENT OF**

**Mental Health Services -
Community**

Positions - Legislative Count	(18.0)
Personal Services	\$817,573
All Other	(817,573)

Provides for a line category transfer including funds for 3 Mental Health and Mental Retardation Casework Supervisor positions and 15 Psychiatric Social Worker II positions to maintain state-staffed crisis programs.

**DEPARTMENT OF MENTAL
HEALTH AND MENTAL
RETARDATION**
TOTAL

_____ \$-0-

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

Effective April 15, 1994.

CHAPTER 98

H.P. 1309 - L.D. 1764

**An Act to Preserve
Productive Forests**

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

Whereas, healthy forest ecosystems are vital to the people of the State in order to provide for ecologically and economically sustainable yields of wood fiber, clean water and air, productive soils, flood control, recreational opportunities, wildlife habitat and biological diversity of native species; and

Whereas, current forest management practices within state wildlands are destructive to healthy forest ecosystems and are not economically sustainable; and

Whereas, tens of thousands of acres of forest in state wildlands are clear-cut every year; and

Whereas, inventories of forest resources in the State show that important tree species are in decline, jeopardizing forest productivity; and

Whereas, clear-cutting and other even-aged forest management practices are destructive to healthy forest ecosystems because these practices result in large, unnatural disturbances, impair ecological habitat and diversity, lower forest resistance to fire, wind, insect and disease infestations, and promote even-aged forest stands with a predominance of short-lived tree species; and

Whereas, the establishment of minimum forest management standards is necessary to restore, protect and promote healthy forest ecosystems in state wildlands; 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. Evaluation of forest practices. The Department of Conservation shall evaluate the implementation of the Maine Revised Statutes, Title 12, chapter 805, subchapter III-A and the forest harvest regulations adopted pursuant to Title 12, section 8869 and conduct an assessment of pressures on the State's forest resources. That evaluation and assessment must include:

1. Evaluation. Research necessary to determine:

- A. The extent to which forest landowners are harvesting to the minimum standards adopted in the forest harvest regulations;
- B. How the separation zones around clear-cuts are being managed;
- C. The total acreage, the average acreage, the range of acreage and the geographic distribution of clear-cuts in the State; and
- D. Research into any other question the department considers essential to obtain an understanding of how the Maine Revised Statutes,

Title 12, chapter 805, subchapter III-A and the forest harvest regulations have affected forest harvesting practices in the State.

The department shall report its findings on research conducted under this subsection to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters no later than April 1, 1995; and

2. Assessment of pressures. The convening of a technical working group to review and assess the pressures on the State's forest resources. That review and assessment must include an analysis of market and nonmarket forces shaping forest management policy and practices in the State, including, but not limited to, changes in the global wood supply and demand, federal and State regulatory policies, public concerns and biological considerations. The Commissioner of Conservation shall appoint the members of the technical working group. Members must include representatives of the commercial forest industry in the State, environmental organizations, wood harvesters and interested members of the public and may include any other persons or organizations having an interest in forest policy in the State. The department shall report the findings and recommendations of the technical working group to the joint standing committee of the Legislature having jurisdiction over energy and natural resource matters no later than September 1, 1995.

Sec. 2. Positions; funding. The Legislature shall fund, as part of the fiscal year 1994-95 supplemental budget, 4 positions in the Department of Conservation to conduct the evaluation and assessment required by this Act. Those positions are one Forester II position, which must be a one-year project position; one Enforcement Coordinator position; one Chief Planner position; and one Clerk Typist III position. The person hired to fill the position of Chief Planner must be a person who holds a baccalaureate degree in an area of natural resource science and has 4 years' experience in forestry or who holds a baccalaureate degree in forestry and has 4 years' professional-level experience in natural resource planning and research.

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

Effective April 20, 1994.

CHAPTER 99

S.P. 696 - L.D. 1894

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 for the Remediation and Capping of Municipal Solid Waste Landfills

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the capping and remediation of municipal solid waste landfills.

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

Sec. 1. Authorization of bonds to provide for funds to investigate, abate, clean up and mitigate threats to public health and the environment from municipal solid waste landfills.

The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$20,000,000 to raise funds to properly cap and remediate threats to drinking water supplies and other environmental resources as a direct result of the leaching of pollutants from municipal solid waste landfills as authorized by section 6. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State.

The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated.

The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 lapse to the debt service account established for the retirement of these bonds.