

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

This requirement does not apply to municipalities or other political subdivisions of the State or to any employer when the employee is tested because of the alcohol and controlled substance testing mandated by the federal Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V. If necessary, the employer shall assist in financing the cost share of the employee through a payroll deduction plan.

(b) Except to the extent that costs are covered by a group health insurance plan, an employer with 20 or fewer full-time employees, a municipality or other political subdivision of the State is not required to pay for any costs of rehabilitation or treatment under any public or private rehabilitation program. An employer is not required to pay for the costs of rehabilitation if the employee was tested because of the alcohol and controlled substance testing mandated by the federal Omnibus Transportation Employee Testing Act of 1991, Public Law 102-143, Title V.

See title page for effective date.

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## CHAPTER 345

### H.P. 890 - L.D. 1243

#### An Act to Reestablish the Great Pond Task Force

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

**Sec. 1. 5 MRSA §3305, sub-§1, ¶H,** as amended by PL 1991, c. 780, Pt. DDD, §21, is further amended to read:

H. Compile, analyze and maintain information useful to the development of industry in the State concerning resources, sites, space, equipment, adequate housing, contracts, materials, transportation, markets, labor supply, population trends and other economic considerations and shall measure and monitor economic distress and poverty in the State on an ~~on-going~~ ongoing basis. The State Planning Office, in conjunction with the Department of Economic and Community Development, shall study problems peculiar to the industry and economy of this State with a view toward the broader utilization of our natural

resources, which studies ~~shall~~ must be advanced by coordination of research with existing private and governmental agencies and educational institutions, and may be advanced by contractual relations with persons or organizations equipped to conduct the needed research. The State Planning Office shall, upon request from the Governor or any state department, assist in the preparation of reports regarding the responsibilities and duties provided by this subsection, including regular analysis of poverty and economic distress. The State Planning Office shall coordinate its activities pursuant to this paragraph with the Bureau of Child and Family Services to meet the annual reporting needs of the bureau; ~~and~~

**Sec. 2. 5 MRSA §3305, sub-§1, ¶K,** as enacted by PL 1989, c. 501, Pt. DD, §12, is further amended to read:

K. Coordinate the development of energy policy, including:

(1) Collecting and analyzing energy data from all available energy sources in the State. The director shall afford confidential treatment to information, documents and data dealing with sales of individual companies that are engaged in the wholesale and retail trade of petroleum products in the State, upon request of the individual companies;

(2) Preparation of an energy resources plan to be submitted to the Governor and the Legislature every 2 years that includes a description of historical energy demand by end-use sector and energy resources used to meet that demand and a forecast of energy demand by end-use sector for the next 5 years, 10 years and 20 years, which shall include an electric and gas forecast;

(3) Encouragement and direction or sponsorship of research, experiments and demonstration projects within the State to develop alternate energy sources, particularly, but not limited to, those sources that rely on renewable natural resources of the State, such as solar energy, water of tides and rivers, forests, winds and other sources ~~which that~~ to date have not been fully explored or utilized; and

(4) Provision of conservation alternatives to proposed new electric power generating plants and assessment of the long-term and short-term energy savings realized by the conservation alternatives; ~~and~~ and

**Sec. 3. 5 MRSA §3305, sub-§1, ¶L** is enacted to read:

L. Review and update the great ponds management strategy developed by the Great Pond Task Force pursuant to Title 38, section 1843-A at least every 5 years, based on the goals and principles set forth in the original strategy report.

**Sec. 4. 5 MRSA §12004-I, sub-§22-C** is enacted to read:

22-C. Great Pond Expenses 38 MRSA  
Environment Task Force Only §1842-A

This subsection is repealed December 31, 1998.

**Sec. 5. 38 MRSA §1842-A** is enacted to read:

**§1842-A. Great Pond Task Force**

There is established, pursuant to Title 5, section 12004-I, subsection 22-C, the Great Pond Task Force, referred to in this chapter as the "task force," to develop a strategy to coordinate the State's great pond protection efforts in a manner that incorporates a watershed and ecosystem management approach and to assist in implementation of the strategy.

**1. Composition.** The task force is composed of the State Planning Director, or the director's designee, who serves as chair; the Commissioner of Conservation, the Commissioner of Environmental Protection, the Commissioner of Transportation, the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Inland Fisheries and Wildlife, and the Commissioner of Economic and Community Development, or the commissioners' designees; the Director of the Division of Health Engineering within the Department of Human Services or the director's designee; the Director of the Natural Resources Center at the University of Maine or the director's designee; a nominee of the Maine Municipal Association appointed by the Governor; a nominee of the Sportsman's Alliance of Maine appointed by the Governor; a nominee of the Maine Forest Products Council appointed by the Governor; and not less than 4 nor more than 10 public members appointed by the Governor representing environmental concerns, recreational concerns, the concerns of landowners, the interests of water utilities and the concerns of other interested parties.

**2. Terms.** Members are appointed for the duration of the task force authorization.

**3. Duties.** The task force shall:

A. In developing the management strategy as directed under section 1843-A, solicit input from

the public, municipal officers and interested organizations;

B. Identify new major public policy issues associated with the use, conservation and management of the State's great ponds;

C. Develop guidelines for state rules governing surface uses of great ponds that avoid or minimize conflicts between user groups;

D. Develop a great pond classification system according to the intensity of development and use of the great pond, consistent with the classification system used by the Maine Land Use Regulation Commission;

E. Develop an implementation strategy for public access and land acquisition on great ponds;

F. Develop a plan for strengthening enforcement for violations occurring on and around great ponds through training, equipping and funding municipal enforcement. This plan must include a review of appropriate funding mechanisms, including dedicated funds, and recommendations for streamlining the enforcement process for violations occurring on and around great ponds;

G. Recommend a mechanism for educating the public about water quality, surface use and land use planning;

H. Subject to available funding, develop a plan for phasing out substandard wastewater disposal systems around great ponds pursuant to this chapter;

I. Recommend a mechanism for coordinating great pond issues that involve roles of multiple agencies within state government and between state and local governments; and

J. Determine the economic benefits of great ponds to the State's inland economy.

**4. Staff; expenses.** The State Planning Office shall provide funding and staff assistance to the task force. Members of the task force are entitled to reimbursement for expenses, as provided in Title 5, section 12004-I.

**5. Repeal.** This section is repealed December 31, 1998.

**Sec. 6. 38 MRSA §1843-A** is enacted to read:

**§1843-A. Great ponds management strategy**

The task force shall develop a state great ponds management strategy in keeping with the goals of section 1841 by January 1, 1997.

**1. Goals.** The strategy must include a statement of goals for great ponds that includes, but is not limited to:

A. Maintaining water quality in the State's great ponds or, where water quality is already degraded, restoring it so that algal blooms do not occur;

B. Ensuring that water quality is protected from long-term and cumulative increases in pollution;

C. Maintaining the ecological functions, biological diversity and important habitat of the natural ecosystem;

D. Avoiding the increase of natural hazards such as flooding;

E. Protecting the quality of drinking water;

F. Maintaining the traditional use and character of great ponds and their environs; and

G. Ensuring that the public has reasonable access to all great ponds.

**2. Prevention efforts.** In allocating state resources for great ponds management, the strategy must give priority to preventing the deterioration of water quality over restoration efforts.

**3. Research.** The strategy must include a research plan to determine significant existing or potential threats to water quality and other special values.

**4. Report.** The task force shall submit the strategy to the Governor and the Legislature by January 1, 1997.

**5. Repeal.** This section is repealed December 31, 1998.

See title page for effective date.

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## CHAPTER 346

### H.P. 178 - L.D. 226

#### An Act to Strengthen the Laws Pertaining to Poaching

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

**Sec. 1. 12 MRSA §7035, sub-§7,** as enacted by PL 1979, c. 420, §1, is amended to read:

**7. Sale of arms and ammunition.** The commissioner may sell all ~~arms and ammunition~~ property

held or confiscated by the State for violation of laws relating to the protection of inland fisheries and wildlife. ~~He~~ The commissioner shall transmit all moneys money received by the sales forthwith to the Treasurer of State to be credited to the department.

**Sec. 2. 12 MRSA §7035, sub-§15** is enacted to read:

**15. Possession and disposal of fish and wildlife.** The commissioner may take possession of sick, injured or dead fish and wildlife that is not the property of another person. For any fish and wildlife possessed by the commissioner under this section, the commissioner may:

A. For sick or injured fish and wildlife, destroy that fish or wildlife when necessary in a manner consistent with the provisions of Title 17, section 1043; and

B. For dead fish or wildlife, dispose of that fish or wildlife in any manner considered appropriate by the commissioner.

This subsection does not apply to fish or wildlife seized by the commissioner under section 7907.

**Sec. 3. 12 MRSA §7071, sub-§6,** as enacted by PL 1979, c. 543, §4, is repealed.

**Sec. 4. 12 MRSA §7077, sub-§1,** as amended by PL 1987, c. 317, §3, is repealed and the following enacted in its place:

**1. Conviction of violation.** Any conviction for a violation of chapters 701 to 721 is grounds for suspension of any license or permit issued under this Part. Except where provided by law, the commissioner shall determine the suspension period. To suspend a license or permit based upon a conviction, the commissioner shall follow the procedures under section 7077-B. Suspensions and revocations of a license by the Administrative Court are subject to the provisions of section 7101, subsection 8.

**Sec. 5. 12 MRSA §7077, sub-§1-A,** as enacted by PL 1993, c. 136, §1, is amended by repealing the first paragraph and enacting the following in its place:

**1-A. Mandatory hunting license revocation for certain violations.** The commissioner shall suspend a person's hunting license for at least one year and may suspend any other license issued under this Part and held by that person if that person is convicted of a violation of one of the following:

**Sec. 6. 12 MRSA §7077, sub-§1-B,** as enacted by PL 1993, c. 136, §1, is amended by repealing the first paragraph and enacting the following in its place: