

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

Sec. 1. 10 MRSA §1434, sub-§3, ¶D, as enacted by PL 1997, c. 427, §2, is amended to read:

D. To offer to sell or to sell any new recreational vehicle at a lower price than the price offered to any other recreational vehicle dealer for the same model vehicle similarly equipped or to utilize any device, including but not limited to sales promotion plans or programs, that results in that lower price. This paragraph does not apply to the following:

- (1) Sales to a recreational vehicle dealer for resale to any unit of the Federal Government;
- (2) Any manufacturer or any of its agents offering to sell or selling new recreational vehicles to all recreational vehicle dealers at an equal price; ~~and~~
- (3) Sales by a manufacturer to any unit of the Federal Government; and
- (4) Sales to a recreational vehicle dealer who buys a specified number of new recreational vehicles if the same offer is available to all recreational vehicle dealers;

Sec. 2. 10 MRSA §1434, sub-§3, ¶F, as enacted by PL 1997, c. 427, §2, is amended to read:

F. To offer to sell or to sell parts or accessories to any new recreational vehicle dealer for use in that dealer's own business for the purpose of replacing or repairing the same or a comparable part or accessory at a lower price than the price charged for that part or accessory to any other new recreational vehicle dealer for similar parts or accessories for use in the dealer's own business. This paragraph does not prohibit a manufacturer from offering incentives ~~for selling more providing unit discounts based on the number of recreational vehicle parts and accessories sold~~ as long as the incentive is offered to all dealers meeting the same terms and conditions of that incentive;

Sec. 3. 10 MRSA §1434, sub-§3, ¶R, as enacted by PL 1997, c. 427, §2, is amended by amending subparagraph (1) to read:

- (1) All unsold and unaltered new model recreational vehicle inventory of the current model year and the previous model years purchased from the manufacturer;

See title page for effective date.

CHAPTER 641

H.P. 1586 - L.D. 2217

An Act to Authorize the Director of the Bureau of Parks and Lands to Grant a License for Groundwater Extraction at Range Ponds State Park

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

Sec. 1. 12 MRSA §602, sub-§18, as repealed and replaced by PL 1987, c. 402, Pt. A, §91, is amended to read:

18. Maine State Parks and Recreational Facilities Development Fund. To administer the Maine State Parks and Recreational Facilities Development Fund established under section 609;

Sec. 2. 12 MRSA §609, as enacted by PL 1985, c. 710, §2, is amended to read:

§609. Maine State Parks and Recreational Facilities Development Fund

The Maine State Parks and Recreational Facilities Development Fund is established within the bureau for the purpose of developing new, maintaining and managing state parks and other recreational facilities on ~~state-owned land~~ lands owned or leased by the bureau.

Income from legislative appropriation, gifts, grants ~~and~~ bequests and other sources approved by the Legislature may be deposited in this fund. The fund ~~shall be~~ is nonlapsing. Any interest earned on money in the fund must also be credited to the fund.

All funds of the Maine State Parks and Recreational Facilities Development Fund ~~shall be~~ are subject to allocation by the Legislature.

Sec. 3. Authorization for the Director of the Bureau of Parks and Lands to grant a license to Poland Spring Water Co. for commercial extraction of groundwater at Range Ponds State Park. The Director of the Bureau of Parks and Lands is authorized to grant a license to the Poland Spring Water Co. for the commercial extraction of groundwater at Range Ponds State Park, under such terms and conditions as the director considers appropriate to make the commercial extraction compatible with public uses of the park and otherwise in the public interest.

Sec. 4. Use of revenues. Revenues from the extraction of groundwater authorized by this Act must be deposited into the Maine State Parks and Recrea-

tional Facilities Development Fund established by the Maine Revised Statutes, Title 12, section 609.

See title page for effective date.

CHAPTER 642

S.P. 653 - L.D. 1874

An Act Regarding Nutrient Management

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

Whereas, the State is encountering increasing numbers of complaints from Maine citizens regarding manure; and

Whereas, a number of new large animal production facilities are being proposed to be built in Maine; and

Whereas, the United States Environmental Protection Agency has identified animal agriculture as a major contributor to surface water quality problems in the United States demanding immediate attention; and

Whereas, the Department of Agriculture, Food and Rural Resources does not have authority to adequately regulate the use and management of manure on Maine farms under current Maine law; 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. 5 MRSA §12004-D, sub-§5 is enacted to read:

5. Nutrient Management Review Board Expenses Only 7 MRSA §4203

Sec. 2. 7 MRSA Pt. 10 is enacted to read:

PART 10

NUTRIENT MANAGEMENT

CHAPTER 747

NUTRIENT MANAGEMENT ACT

§4201. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Animal feeding operation. "Animal feeding operation" means a lot or facility where animals are confined and fed for a total of at least 45 days in a 12-month period. "Animal feeding operation" does not include an aquatic animal production facility.

2. Animal unit. "Animal unit" means 1,000 pounds of animal body weight.

3. Board. "Board" means the Nutrient Management Review Board established in section 4203.

4. Farm nutrient. "Farm nutrient" means a substance or recognized plant nutrient, element or compound that is used or sold for its plant nutritive content or its claimed nutritive value for use in growing crops. The term includes, but is not limited to, livestock and poultry manures, compost as fertilizer, commercially manufactured chemical fertilizers, sewage sludge, residuals or combinations of these.

5. Nutrient management plan. "Nutrient management plan" means a written document that outlines how farm nutrients are stored, managed and utilized on the farm for which the plan is written.

6. Regulated residual. "Regulated residual" means a residual regulated by the Department of Environmental Protection pursuant to Title 38, chapter 13.

7. Residual. "Residual" means any material generated as a byproduct of a nonagricultural production or treatment process that has value as a source of crop nutrients or soil amendment.

8. Verified complaint of improper manure handling. "Verified complaint of improper manure handling" means a complaint of improper manure handling investigated in accordance with Title 17, section 2701-B and resulting in a determination by the commissioner that the manure has been stored or handled in a manner that does not conform with best management practices.

§4202. Duties of the commissioner

The commissioner shall implement a program to promote responsible use of farm nutrients in accordance with this chapter. The commissioner has the powers and duties as set forth in this section.