

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

CHAPTER 591

H.P. 1758 - L.D. 2464

An Act to Change the Aquaculture Lease Process**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 12 MRSA §6072, sub-§5, as amended by PL 1987, c. 453, §1, is further amended to read:

5. Application review. The commissioner shall review the application and set a hearing date if ~~he~~ the commissioner is satisfied that the written application is complete, the application indicates that the lease could be granted and the applicant has the financial and technical capability to carry out the proposed activities. ~~When the commissioner has determined that the application is complete, the commissioner shall forward a copy of the completed application and notice of hearing shall be forwarded to the known riparian owners within 1,000 feet of the proposed lease and to the municipality or municipalities in which or adjacent to which the lease is proposed. A municipality shall must be granted intervenor status upon written request.~~

Sec. 2. 12 MRSA §6072, sub-§6, ¶D is enacted to read:

D. The applicant shall give at least 2 weeks' notice of the hearing by publication of an advertisement in a newspaper of general circulation that serves the area in which or adjacent to which the lease is proposed. The advertisement must state, at a minimum, the location, date, time and purpose of the hearing and must indicate how a copy of the application and the department site review may be obtained.

Sec. 3. Report on aquaculture lease process. The Department of Marine Resources shall submit a report by January 15, 2001 to the joint standing committee of the Legislature having jurisdiction over marine resources matters regarding its ongoing review of the aquaculture lease process. As part of its review, the department shall consider any changes to the process necessary to address the following issues: the rights of an applicant for an aquaculture lease or an aquaculture license, municipal involvement in the lease process and long-term planning for aquaculture in the State. In developing its report, the department shall consult with persons interested in the aquaculture lease process, including representatives of the aquaculture industry, representatives of municipalities and other interested persons. The joint standing committee of the Legislature having

jurisdiction over marine resources matters may report out a bill to the First Regular Session of the 120th Legislature regarding the aquaculture lease process.

See title page for effective date.

CHAPTER 592

S.P. 157 - L.D. 477

An Act to Establish Standards and Conditions for Designation of Ecological Reserves on Lands Managed by the Bureau of Parks and Lands**Be it enacted by the People of the State of Maine as follows:**

Sec. 1. 5 MRSA §13076, sub-§3, ¶F is enacted to read:

F. The Natural Resources Information and Mapping Center shall maintain a database of areas designated as ecological reserves as defined in Title 12, section 1801, subsection 4-A and other public lands designated and managed for equivalent purposes and shall provide scientific review of areas on state land proposed as ecological reserves.

Sec. 2. 12 MRSA §1801, sub-§4-A is enacted to read:

4-A. Ecological reserve. "Ecological reserve" means an area owned or leased by the State, under the jurisdiction of the bureau, designated by the director for the purpose of maintaining one or more natural community types or native ecosystem types in a natural condition and range of variation and contributing to the protection of Maine's biological diversity and managed:

A. As a benchmark against which biological and environmental change may be measured;

B. To protect sufficient habitat for those species whose habitat needs are unlikely to be met on lands managed for other purposes; or

C. As a site for ongoing scientific research, long-term environmental monitoring and education.

Sec. 3. 12 MRSA §1805 is enacted to read:

§1805. Designation of ecological reserve

The director may designate ecological reserves on parcels of land under the jurisdiction of the bureau that were included in the inventory of potential

ecological reserves published in the July 1998 report of the Maine Forest Biodiversity Project, "An Ecological Reserves System Inventory: Potential Ecological Reserves on Maine's Existing Public and Private Conservation Lands." The director may designate additional ecological reserves only in conjunction with the adoption of a management plan for a particular parcel of land and the process for adoption of that management plan must provide for public review and comment on the plan. When a proposed management plan includes designation of an ecological reserve, the director shall notify the joint standing committee of the Legislature having jurisdiction over matters pertaining to public lands of the proposal.

1. Allowed uses. Allowed uses within an ecological reserve must be compatible with the purpose of the ecological reserve and may not cause significant impact on natural community composition or ecosystem processes. Allowed uses include nonmanipulative scientific research, public education and nonmotorized recreation activities such as hiking, cross-country skiing, primitive camping, hunting, fishing and trapping. For the purposes of this subsection, "primitive camping" means camping in a location without facilities or where facilities are limited to a privy, fire ring, tent pad, 3-sided shelter and picnic table. The removal of trees and construction of facilities associated with these allowed uses are allowed. The director may allow other uses when their impact remains low and does not compromise the purpose of the ecological reserve. Recreational use of surface waters is under the jurisdiction of the Department of Inland Fisheries and Wildlife.

2. Trails and roads for motorized vehicle use. The director shall allow the continuing use of an existing snowmobile trail, all-terrain vehicle trail or a road if the director determines the trail or road is well designed and built and situated in a safe location and its use has minimal adverse impact on the ecological value of an ecological reserve and it cannot be reasonably relocated outside the ecological reserve.

A new snowmobile or all-terrain vehicle trail or a new road is allowed only if the director determines all of the following criteria are met:

- A. No safe, cost-effective alternative exists;
- B. The impact on protected natural resource values is minimal; and
- C. The trail or road will provide a crucial link in a significant trail or road system.

3. Incompatible uses. Uses that are incompatible with the purpose of an ecological reserve are not allowed. Incompatible uses include timber harvesting, salvage harvesting, commercial mining and commer-

cial sand and gravel excavation. For the purposes of this subsection, "salvage harvesting" means the removal of dead or damaged trees to recover economic value that would otherwise be lost.

4. Resource protection measures. The director shall take action to control a wildfire occurring on an ecological reserve or spreading to bureau lands. The director may authorize a prescribed burn in an ecological reserve if necessary to replicate natural processes that maintain specific natural communities or rare species populations.

The director may use pesticides, including herbicides, and sanitation harvests to control insect and disease outbreaks only in response to:

- A. A specific threat to the functioning of a native ecosystem or managed wildlife habitat;
- B. A specific threat to human health or safety; or
- C. A condition that is likely to result in significant damage to adjacent lands if control is not exercised.

For the purposes of this subsection, "sanitation harvest" means the removal of trees that have been attacked or are in imminent danger of attack by insects or disease in order to prevent these insects or diseases from spreading to other trees.

5. Limits on total land acreage designated as ecological reserves. The total land acreage designated as ecological reserves may not exceed 15% of the total land acreage under the jurisdiction of the bureau or 100,000 acres, whichever is less. No more than 6% of the operable timberland acres on public reserved lands and nonreserved public lands may be designated as ecological reserves. For the purposes of this subsection, "operable timberland" means land the bureau considers viable for commercial timber harvest operations. Lands donated or acquired after the effective date of this section with the condition that the donated or acquired land be designated an ecological reserve are not included when calculating acreage limits under this subsection.

The designation of land as an ecological reserve may not result in a decline in the volume of timber harvested on land under the jurisdiction of the bureau. For the purposes of this subsection, "a decline in the volume of timber harvested" means an annual harvest volume of less than the average annual harvest volume for the preceding 10 years.

6. Reporting requirements. The bureau shall report the status of ecological reserves under the reporting requirements of subchapters III and IV.

Sec. 4. 12 MRSA §1839, sub-§1, ¶¶D and E, as enacted by PL 1997, c. 678, §13, are amended to read:

D. A summary of any campsite or recreation facility fees charged under section 1832, subsection 5; ~~and~~

E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales, for the following fiscal year beginning on July 1st; ~~and~~

Sec. 5. 12 MRSA §1839, sub-§1, ¶F is enacted to read:

F. The status of ecological reserves including the acreage of nonreserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to ecological reserves.

Sec. 6. 12 MRSA §1853, sub-§1, ¶¶D and E, as enacted by PL 1997, c. 678, §13, are amended to read:

D. A summary of any campsite or recreation facility fees charged under section 1846, subsection 5; ~~and~~

E. A description of the proposed budget, including allocations for the bureau's dedicated funds and any revenues of the bureau from permits, leases, fees and sales for the following fiscal year beginning on July 1st; ~~and~~

Sec. 7. 12 MRSA §1853, sub-§1, ¶F is enacted to read:

F. The status of ecological reserves including the acreage of reserved public land designated as ecological reserves, results of monitoring, scientific research and other activities related to the bureau's ecological reserves.

See title page for effective date.

CHAPTER 593

H.P. 1674 - L.D. 2340

An Act to Specify Eligibility for Land Purchases Under the Agricultural Marketing Loan Fund

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

Sec. 1. 7 MRSA §435, sub-§2, ¶G is enacted to read:

G. An agricultural marketing loan for the purchase of land necessary for the start-up of a new agricultural enterprise may not exceed \$100,000.

Sec. 2. 10 MRSA §1023-J, first ¶, as enacted by PL 1995, c. 658, §2, is amended to read:

The Agricultural Marketing Loan Fund, referred to in this section as the "fund," is created. The fund must be deposited with and maintained by the Finance Authority of Maine. The fund must be administered by the Commissioner of Agriculture, Food and Rural Resources in accordance with Title 7, chapter 101, subchapter I-D. All money received by the Finance Authority of Maine from any source for the development and implementation of an improved agricultural marketing loan program must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for financing loans for agricultural enterprises may be used only for the following purposes: to provide assistance to agricultural enterprises in this State for the design, construction or improvement of commodity and storage buildings and packing and marketing facilities; ~~or for the purchase, construction, or renovation or acquisition of land, of buildings, equipment, docks, wharves, piers or vessels used in connection with a commercial agricultural enterprise; for the purchase of land in connection with development of new cranberry acreage; for the purchase of land for irrigation reservoirs or to provide direct access to water for irrigation; for the purchase of land necessary for the start-up of a new agricultural enterprise; or for the expansion of an existing agricultural enterprise when the land acquisition is necessary to comply with land use regulations.~~ Repayment of these loans and interest on these loans must be credited to the fund and must be available for making additional loans for the same purposes, except that interest may be used for the purposes stated in Title 7, section 436. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications, to the extent that these costs exceed the fee for administrative costs established by Title 7, section 435, subsection 4.

See title page for effective date.

CHAPTER 594

H.P. 1664 - L.D. 2333

An Act to Clarify the Laws Relating to Corporate and Other Entities

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