

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

submitted to the Joint Standing Committee on Education and Cultural Affairs by January 14, 2000.

See title page for effective date.

CHAPTER 47

H.P. 546 - L.D. 767

Resolve, Regarding Legislative Review of Chapter 311: Renewable Resource Portfolio Requirement, a Major Substantive Rule of the Public Utilities Commission

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

Whereas, the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A, requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 311: Renewable Resource Portfolio Requirement, a provisionally adopted major substantive rule of the Public Utilities Commission, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized.

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

Effective May 24, 1999.

CHAPTER 48

S.P. 539 - L.D. 1601

Resolve, to Direct the Department of Environmental Protection and the Department of Economic and Community Development to Devise a Proposal for Long-term Funding of the Removal of Tire Dumps

Whereas, uncontrolled tire stockpiles in the State pose a significant public health and safety risk as well as a significant threat to the environment; and

Whereas, the risks associated with uncontrolled tire stockpiles in the State demand a comprehensive plan to abate those stockpiles and reduce the risk to the public and the environment; and

Whereas, the State is presently limited in its ability to contract with companies that conduct tire removal and site remediation activities; and

Whereas, the limitations on entering contracts with tire abatement and site remediation contractors have interfered with tire abatement and remediation projects; and

Whereas, it is in the best interest of the State to develop a plan that will encourage and enable private contractors to undertake tire abatement and remediation projects; now, therefore, be it

Sec. 1. Long-term funding plan for the removal of tire dumps. Resolved: That the Commissioner of Environmental Protection and the Commissioner of Economic and Community Development shall review options for entering into contracts with tire abatement and site remediation contractors, including mechanisms to ensure long-term funding of the clean-up and reclamation activities in connection with their review of funding issues. The commissioners shall review alternative funding issues including additional fees charged to a purchaser of tires and the use or sale of waste tires for fuel. The commissioners shall report the findings of this investigation and recommendations to support the cleanup and funding to the Joint Standing Committee on Natural Resources by January 14, 2000. The commissioners' report must also identify any statutory or regulatory changes necessary to permit the Department of Environmental Protection to enter into contracts with tire abatement and site remediation contractors and mechanisms to ensure long-term funding of the clean-up and reclamation activities. The Joint Standing Committee on Natural Resources may report out legislation based

upon the report to the Second Regular Session of the 119th Legislature.

See title page for effective date.

CHAPTER 49

H.P. 883 - L.D. 1240

Resolve, Regarding Legislative Review of Chapter 20: Forest Regeneration and Clearcutting Standards, a Major Substantive Rule of the Department of Conservation

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

Whereas, the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 20: Forest Regeneration and Clearcutting Standards, a provisionally adopted major substantive rule of the Department of Conservation, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized only if the rule is amended substantially in accordance with the revised rule dated April 28, 1999 and presented by the Commissioner of Conservation to the Joint Standing Committee on Agriculture, Conservation and Forestry on that date. A copy of that revised rule and the document prepared by the Maine Forest Service and dated April 28, 1999 that presents a comparison of the provisionally adopted rule dated January 5, 1999 and the revised rule must be filed with the Secretary of State as part of the written statement required under the Maine Revised Statutes, Title 5, section 8052, subsection 5. The

revised rule dated April 28, 1999 includes the following changes to the provisionally adopted rule.

1. It changes the clear-cut size categories.
2. It changes the required height of softwood for assessing a stand of acceptable growing stock.
3. It changes stocking and regeneration standards from a percent basis to a trees-per-acre basis.
4. It exempts landowners with fewer than 100 acres total ownership from certain standards for clear-cuts.
5. It changes the provisions for maintenance of separation zones.

The Commissioner of Conservation is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

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

Effective June 1, 1999.

CHAPTER 50

S.P. 805 - L.D. 2218

Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands

Preamble. Whereas, the Constitution of Maine, Article IX, Section 23 requires that real estate held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House;

Whereas, the real estate authorized for conveyance by this resolve is under the designations describe in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 1837; now, therefore, be it

Sec. 1. Director of Bureau of Parks and Lands authorized to convey certain real estate in exchange for other property. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following property in