

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

Sec. 3. 8 MRSA §285, sub-§3, as repealed and replaced by PL 1997, c. 735, §7, is amended to read:

3. Membership. The board consists of 9 members and 2 alternates appointed by the commissioner. Full, voting board members must be appointed by the commissioner as follows:

- A. Two persons representing commercial tracks: one representing and recommended by each of the 2 commercial harness racing tracks in the State;
- B. One person recommended by an association in the State representing harness horsemen;
- C. Two persons recommended by an association in the State representing Standardbred breeders and owners;
- D. One person nominated by the Maine Association of Agricultural Fairs;
- E. One person who represents the interests of off-track betting facilities; and
- F. Two persons who are members of the general public with an interest in harness racing.

Alternates must be members of the general public with an interest in harness racing. An alternate may cast a vote as a member of the board upon the absence of a full, voting member.

~~Members serve 3-year terms.~~

Sec. 4. 8 MRSA §285, sub-§3-A is enacted to read:

3-A. Terms. Members serve 3-year terms. For appointments that expire in 2001, the commissioner shall appoint 3 members for a term of one year, 3 members for a term of 2 years and 3 members for a term of 3 years. Any vacancy is filled by appointment for the remainder of the unexpired term of that member. Members whose terms expire serve until their successors are qualified and appointed.

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

Effective April 12, 2001.

CHAPTER 64

S.P. 266 - L.D. 913

An Act Regarding Variances to the Implementation Dates of the Nutrient Management Law

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 variance requests from Maine citizens regarding the writing and certification of nutrient management plans that have a due date of January 1, 2001; and

Whereas, the Department of Agriculture, Food and Rural Resources does not have clear legislative language to adequately grant variances on the January 1, 2001 due date to Maine farms under current Maine law; and

Whereas, the Department of Agriculture, Food and Rural Resources may need to ask the Department of the Attorney General to seek penalties as of January 1, 2001 if no variances are issued by the department; 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. 7 MRSA §4204, sub-§4, as amended by PL 1999, c. 530, §4, is further amended to read:

4. Compliance date for farms operational on March 31, 1998. Except for a farm requiring a livestock operations permit under section 4205 or as provided in subsection 8, an owner or operator of a farm that was operational on March 31, 1998 and meets the criteria established in subsection 2, paragraph A or B shall have a nutrient management plan prepared for that farm no later than January 1, 2001. Except as provided in subsection 8, the plan must be implemented no later than October 1, 2007.

Sec. 2. 7 MRSA §4204, sub-§8, as enacted by PL 1999, c. 530, §4, is amended to read:

8. Variances. For farms with compliance dates established in subsection 4, the commissioner may grant a variance from the date by which a nutrient management plan must be prepared and certified when

the commissioner finds that technical assistance or resources are not available to complete and certify the plan by January 1, 2001. The commissioner may grant a variance from the implementation date in subsection 4, 5 or 6 when the commissioner finds that implementation of the plan would cause undue hardship. A person requesting a variance shall submit a request in writing to the commissioner at least 90 days prior to the applicable implementation date. The commissioner shall establish by rule criteria and a process for granting a variance. Factors considered must include protection of groundwater and surface water, cost of implementing the plan and, availability of financial assistance to implement the plan and availability of technical assistance or resources to complete and certify the plan. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. Notwithstanding the provisions of this subsection, a variance may not extend an implementation date beyond December 31, 2008. A person denied a variance by the commissioner may appeal that decision to the board.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2001-02	2002-03
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Office of Agricultural, Natural and Rural Resources		
Personal Services	\$9,851	\$9,851
All Other	(9,851)	(9,851)
Provides funds to implement a reclassification that has been approved by the Department of Administrative and Financial Services, Bureau of Human Resources.		
DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES		
TOTAL	\$0	\$0

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

Effective April 12, 2001.

CHAPTER 65

H.P. 632 - L.D. 832

An Act to Clarify Mutual Aid Agreements Between Law Enforcement Agencies

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

Sec. 1. 30-A MRSA §2674, as amended by PL 1999, c. 654, §1, is further amended to read:

§2674. Aid to other law enforcement agencies

Except as otherwise provided by municipal charter or ordinance, the municipal officers may authorize the chief of police or other designee to request other municipalities to provide police officers to assist the requesting municipality. The municipal officers may authorize the chief of police or other designee to provide police officers to assist other municipalities when so requested by a properly authorized chief of police or other designee of the requesting municipality.

The authorizations of the municipal officers ~~shall~~ must be accompanied by an agreement between the requesting municipality and the responding municipality that specifies which municipality ~~shall be~~ is liable, if any liability is determined to exist, for personal injury or property damage caused by or occurring to the police officers of the responding municipality in the course of assisting the requesting municipality.

If the request for assistance is for a major unplanned incident that jeopardizes the health and welfare of the citizens of the requesting municipality and when delay may cause further jeopardy to life or property or in the case of jointly planned collaborative activity, the police chief of any municipality or the chief's designee may request assistance from or provide assistance to another municipality or law enforcement agency whether or not an agreement between the 2 municipalities or parties exists. Each police department shall assume its own liability to a 3rd party, except for liability incurred by the command or operational decisions made by the requesting department, which must be assumed by the requesting department. For the purposes of this paragraph, "major unplanned incident" means an extraordinary emergency to which a law enforcement agency is unable to adequately respond that presents a substantial and imminent danger to the public safety and that necessitates the cooperation or assistance of other law enforcement agencies.

The police officers of the responding municipality ~~shall~~ or law enforcement agency have the same