

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

Individual water withdrawal reports filed under this article are confidential and are not public records as defined in Title 1, section 402, subsection 3.

§470-E. Water use standards

The board shall adopt rules by January 1, 2005 that establish water use standards for maintaining in-stream flows and GPA lake or pond water levels that are protective of aquatic life and other uses and that establish criteria for designating watersheds most at risk from cumulative water use. Standards adopted under this section must be based on the natural variation of flows and water levels, allowing variances if use will still be protective of water quality within that classification. Rules adopted under this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A. Those rules must be provisionally adopted by January 1, 2005 and submitted for consideration to the joint standing committee of the Legislature having jurisdiction over natural resources matters in the First Regular Session of the 122nd Legislature. This section is repealed 90 days after adjournment of the First Regular Session of the 122nd Legislature.

§470-F. Local water use policies encouraged

The department shall encourage and cooperate with state, regional or municipal agencies, boards or organizations in the development and adoption of regional or local water use policies that protect the environment from excessive drawdown of water sources during low-flow periods. The department shall encourage those entities, in developing those policies, to review previously adopted low-flow policies, including any such policies adopted by the Aroostook Water and Soil Management Board established in Title 7, section 332.

§470-G. Report to Legislature

The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on January 15, 2003, and annually thereafter, on all aspects of water use reporting, data aggregation and the development of water use standards required by this article. That report must summarize water use reporting data on a regional basis and in a manner that does not allow for the identification of any individual user. The report must compare cumulative water use and availability of water in watersheds and assess water use issues and priorities on a watershed basis. The report must also identify any impediments to implementing any of the requirements of this article and must include recommendations for addressing those impediments and may include recommendations on any other aspect of the reporting or water use standards provisions of this article. In preparing these reports, the commissioner

shall encourage and assist in establishing regional task forces with cooperating agencies to assess regional water use issues and options for addressing those issues. The commissioner shall also solicit input from the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation and the Commissioner of Human Services on all aspects of the requirements of this article and shall include in the report all comments and recommendations received from those departments on these requirements.

See title page for effective date.

CHAPTER 620

H.P. 1501 - L.D. 2004

An Act to Phase Out the Availability of Mercury-added Products

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

Sec. 1. 38 MRSA §1661-C, sub-§5 is enacted to read:

5. Mercury-added thermostats. After January 1, 2006, a person may not sell or offer to sell or distribute for promotional purposes a mercury-added thermostat except for a thermostat used for manufacturing or industrial purposes and except for a thermostat used by a blind or visually impaired person. A manufacturer of mercury-added thermostats may apply to the commissioner prior to January 1, 2003 for an exemption from the provisions of this subsection for one or more specific uses of a mercury-added thermostat. The Commissioner of Environmental Protection may grant an exemption with or without conditions upon finding that:

A. The manufacturer has demonstrated that a system exists for the proper collection, transportation and processing of the mercury-added thermostat at the end of its life; and

B. The specific use or uses of the mercury-added thermostat provide a net benefit to the environment, public health or public safety when compared to available nonmercury alternatives.

Sec. 2. Report. The Commissioner of Environmental Protection shall submit a report by January 1, 2003 to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the information submitted pursuant to the Maine Revised Statutes, Title 38, section 1661-A. That report must include:

- A. A summary of all data received by the Department of Environmental Protection under Title 38, section 1661-A;
- B. Based on that data, a comprehensive strategy to reduce the mercury content of products with the goal of maximizing the reduction of mercury emissions to the environment; and
- C. Any legislation necessary to implement the strategy proposed in the report.

The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation to the First Regular Session of the 121st Legislature to implement recommendations included in this report.

See title page for effective date.

CHAPTER 621

H.P. 1559 - L.D. 2061

An Act to Provide Incentives for Multimunicipal Development

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

Sec. 1. 30-A MRSA §5953-D, sub-§4, as amended by PL 2001, c. 90, §5, is further amended to read:

4. Criteria; conditions for public service infrastructure grants and loans. The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria and conditions for the award of public service infrastructure loans and grants to eligible municipalities subject to the requirements of this section. The department shall:

~~A. Give highest priority to service center communities. For the purpose of this section, "service center community" has the same definition as in section 4301;~~

A-1. Give highest priority equally to:

(1) Service center communities. For purposes of this section, "service center community" has the same definition as in section 4301; and

(2) Projects undertaken jointly by 2 or more municipalities;

B. Following the highest priority described in paragraph ~~A~~ A-1, establish a preference for those municipalities eligible under subsection 3, paragraph D, subparagraph (1) over those mu-

nicipalities eligible under subsection 3, paragraph D, subparagraph (2);

D. Following the preference described in paragraph B, establish a preference for capital investment projects ~~undertaken jointly by 2 or more municipalities or~~ that provide substantial regional benefits;

E. Adopt other criteria as it determines necessary to ensure that loans and grants made under this section maximize the ability of municipalities to accommodate planned growth and economic development; and

F. Condition any loans and grants under this section on consistency with the municipality's comprehensive plan or local growth management program.

See title page for effective date.

CHAPTER 622

H.P. 1572 - L.D. 2077

An Act to Require Logging Contractors to Notify Landowners and Employees of the Cancellation of Workers' Compensation Insurance Coverage

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

Sec. 1. 39-A MRSA §401, sub-§3-A is enacted to read:

3-A. Cancellation notice requirements. Any person engaged in harvesting forest products not exempt under subsection 1 shall provide within 3 business days of the cancellation written notification to the landowner to whom the person is under contract of a cancellation of that person's workers' compensation insurance policy. That person shall provide identical notice to any employee who was covered by the canceled workers' compensation insurance policy. A person engaged in harvesting forest products not exempt under subsection 1 who is found in noncompliance with these notification requirements is liable for a civil forfeiture of not less than \$50 nor more than \$100 for each day of noncompliance.

Sec. 2. Development of plans to improve enforcement and reduce accidents. The Department of Labor shall convene an interagency working group with representatives of the department and the Workers' Compensation Board, which shall: