

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

CHAPTER 96**H.P. 1532 - L.D. 2035****Resolve, Directing the Department of Defense, Veterans and Emergency Management to Make Recommendations to the Legislature to Provide Increased Outreach Activities for Women Veterans**

Sec. 1. Commissioner of Defense, Veterans and Emergency Management to make recommendations regarding outreach activities for women veterans. Resolved: That the Commissioner of Defense, Veterans and Emergency Management shall review the report of the Advisory Commission on Women Veterans and develop a plan to meet the needs identified, including outreach activities to contact women veterans within the State to explain benefits available to them, and shall start these outreach activities; and be it further

Sec. 2. Reporting date established. Resolved: That the Commissioner of Defense, Veterans and Emergency Management shall report on the progress of the Department of Defense, Veterans and Emergency Management concerning outreach activities and other concerns for women veterans to the Legislature by January 15, 2003.

See title page for effective date.

CHAPTER 97**H.P. 1571 - L.D. 2076****Resolve, Regarding Legislative Review of Amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, Major Substantive Rules of the Department of Environmental Protection**

Sec. 1. Adoption. Resolved: That final adoption of amendments to Chapter 305, Permit by Rule Standard and Chapter 310, Wetland Protection Regarding Cutting and Removal of Vegetation, provisionally adopted major substantive rules of the Department of Environmental Protection, that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only if Chapter 305 is amended as follows:

1. Section 2, paragraph C, subparagraph (1) of the proposed amendment to Chapter 305 must be

amended to strike the sentence proposed in that subparagraph that states: "Division of a parcel of land that occurs after September 1, 2002, and that results in circumvention of the setback requirement may be considered by the department and may be the basis for a denial under this subsection"; and

2. Section 2, paragraph C, subparagraph (3) of the proposed amendment to Chapter 305 must be amended by striking everything in that subparagraph after the word "minimized."

The Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings on this rule prior to finally adopting this rule in accordance with this resolve; and be it further

Sec. 2. Report. Resolved: That the Department of Environmental Protection and the Maine Land Use Regulation Commission shall evaluate the point system used by those agencies to define what constitutes a well-distributed stand of trees within a vegetative buffer between development and a regulated water body and shall jointly report the results of that evaluation to the joint standing committee of the Legislature having jurisdiction over protected natural resources no later than January 15, 2003. The department and the commission shall invite the participation of the regulated community when conducting its evaluation under this section. The report must include, but is not limited to, recommendations on any changes to the specific points given to trees of specific diameters, the reasons for those recommendations and the effect of those changes over time on the distribution of trees and other vegetation in those buffer strips.

See title page for effective date.

CHAPTER 98**H.P. 1590 - L.D. 2095****Resolve, Regarding Legislative Review of Portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, Major Substantive Rules of the Maine Land Use Regulation Commission within 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 Revised Statutes, 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 portions of Chapter 10, Section 17(A)(2), (3) and (6), Standards for the Clearing of Vegetation for Development, a provisionally adopted major substantive rule of the Maine Land Use Regulation Commission within the Department of Conservation, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only if the rule is amended as follows:

1. The rule must be amended so that the minimum setbacks established in the rule between mineral extraction activities and regulated water bodies within the jurisdiction of the Maine Land Use Regulation Commission are the same as those established in laws and rules administered by the Department of Environmental Protection.

The Maine Land Use Regulation Commission is not required to hold hearings or conduct other formal proceedings on this rule prior to finally adopting this rule in accordance with this resolve.

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

Effective April 3, 2002.

CHAPTER 99

H.P. 1618 - L.D. 2117

Resolve, Regarding Legislative Review of Chapter 691, Section 3-A, Siting Restrictions for New Facilities, a Major Substantive Rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection

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 Revised Statutes, 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 691, Section 3-A, Siting Restrictions for New Facilities, a provisionally adopted major substantive rule of the Bureau of Remediation and Waste Management within the Department of Environmental Protection, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only if the rule is amended as follows:

1. The rule must be amended to state that the siting restrictions for new underground oil storage facilities contained in Section 3-A of the rules do not apply to new underground oil storage facilities that are registered and installed prior to August 1, 2002.

The Board of Environmental Protection within the Department of Environmental Protection is not required to hold hearings or conduct other formal proceedings on this rule prior to finally adopting this rule in accordance with this resolve.

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

Effective April 3, 2002.
