

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

**1. Definition.** As used in this section, unless the context otherwise indicates, "broadcasting industry contract" means an employment contract between a person and a legal entity that owns one or more television stations or networks or one or more radio stations or networks, ~~excluding an employment contract with a sales representative.~~

See title page for effective date.

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## CHAPTER 226

H.P. 951 - L.D. 1297

### An Act To Amend the Subdivision Laws

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

**Sec. 1. 38 MRSA §488, sub-§22** is enacted to read:

**22. Unauthorized subdivision lots in existence for at least 20 years.** A lot that when sold or leased created a subdivision requiring a permit under this article is not considered a subdivision lot and is exempt from the permit requirement for a subdivision if a permit has not been obtained and the subdivision has been in existence for 20 or more years. A lot is considered a subdivision lot and is not exempt under this subsection if:

A. Approval of the subdivision under this article was denied by the department and the department's decision was recorded in the appropriate registry of deeds;

B. The department has issued a notice of violation of this article with respect to the subdivision; or

C. The lot has been the subject of an enforcement action or order.

See title page for effective date.

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## CHAPTER 227

S.P. 162 - L.D. 443

### An Act To List Agriculture as a Designated Use in Water Quality Standards

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

**Sec. 1. 38 MRSA §465, sub-§1, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class AA waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water after disinfection, fishing, agriculture, recreation in and on the water ~~and~~, navigation and as habitat for fish and other aquatic life. The habitat ~~shall~~ must be characterized as ~~free flowing~~ free-flowing and natural.

**Sec. 2. 38 MRSA §465, sub-§2, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class A waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water after disinfection; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; ~~and~~ navigation; and as habitat for fish and other aquatic life. The habitat ~~shall~~ must be characterized as natural.

**Sec. 3. 38 MRSA §465, sub-§3, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class B waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; ~~and~~ navigation; and as habitat for fish and other aquatic life. The habitat ~~shall~~ must be characterized as unimpaired.

**Sec. 4. 38 MRSA §465, sub-§4, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class C waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water supply after treatment; fishing; agriculture; recreation in and on the water; industrial process and cooling water supply; hydroelectric power generation, except as prohibited under Title 12, section 403; ~~and~~ navigation; and as a habitat for fish and other aquatic life.

**Sec. 5. 38 MRSA §465-A, sub-§1, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class GPA waters ~~shall~~ must be of such quality that they are suitable for the designated uses of drinking water after disinfection, recreation in and on the water, fishing, agriculture, industrial process and cooling water supply, hydroelectric power generation ~~and~~, navigation

and as habitat for fish and other aquatic life. The habitat ~~shall~~ must be characterized as natural.

**Sec. 6. 38 MRSA §465-B, sub-§1, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class SA waters ~~shall~~ must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish ~~and~~, navigation and as habitat for fish and other estuarine and marine life. The habitat ~~shall~~ must be characterized as free-flowing and natural.

**Sec. 7. 38 MRSA §465-B, sub-§2, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class SB waters ~~shall~~ must be of such quality that they are suitable for the designated uses of recreation in and on the water, fishing, aquaculture, propagation and harvesting of shellfish, industrial process and cooling water supply, ~~hydroelectric~~ hydroelectric power generation ~~and~~, navigation and as habitat for fish and other estuarine and marine life. The habitat ~~shall~~ must be characterized as unimpaired.

**Sec. 8. 38 MRSA §465-B, sub-§3, ¶A,** as enacted by PL 1985, c. 698, §15, is amended to read:

A. Class SC waters ~~shall~~ must be of such quality that they are suitable for recreation in and on the water, fishing, aquaculture, propagation and restricted harvesting of shellfish, industrial process and cooling water supply, hydroelectric power generation ~~and~~, navigation and as a habitat for fish and other estuarine and marine life.

**Sec. 9. Effective date.** Those sections of this Act that amend the Maine Revised Statutes, Title 38, section 465, subsection 1, paragraph A; subsection 2, paragraph A; subsection 3, paragraph A; and subsection 4, paragraph A and section 465-A, subsection 1, paragraph A take effect when the water use standards for maintaining in-stream flows are finally adopted as provided in Title 38, section 470-E.

See title page for effective date, unless otherwise indicated.

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**CHAPTER 228**

**S.P. 405 - L.D. 1199**

**An Act To Establish the Lincoln and Sagadahoc Multicounty Jail Authority**

**Mandate preamble.** This measure requires one or more local units of government to expand or

modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

**Whereas,** Lincoln County and Sagadahoc County have been exploring the concept of a common jail for many months; and

**Whereas,** Lincoln County and Sagadahoc County may soon need to begin making binding commitments regarding a common jail; 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. 30-A MRSA c. 17** is enacted to read:

**CHAPTER 17**

**LINCOLN AND SAGADAHOC MULTICOUNTY JAIL AUTHORITY**

**SUBCHAPTER 1**

**GENERAL PROVISIONS**

**§1801. Short title**

This chapter may be known and cited as "the Lincoln and Sagadahoc Multicounty Jail Authority Act."

**§1802. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Authority.** "Authority" or "jail authority" means the authority formed under this chapter and Title 13, chapter 81.

**2. Commissioner.** "Commissioner" or "county commissioner" means a person elected or appointed to the Lincoln County or Sagadahoc County board of commissioners.