

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.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 334

H.P. 140 - L.D. 181

An Act to Clarify the Definition of
Livestock

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

Sec. 1. 7 MRSA §1302, sub-§3, as amended
by PL 2001, c. 572, §4, is further amended to read:

3. Livestock and poultry. "Livestock and poultry" includes all cattle, sheep, goats, swine, equines, members of the genus lama, bison, ratites, poultry, domesticated cervidae cervids and other animals raised for food or fiber.

Sec. 2. 7 MRSA §3907, sub-§18-A, as enacted by PL 1997, c. 456, §1, is repealed and the following enacted to read:

18-A. Livestock. "Livestock" means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the genus lama; bison; and ratites.

Sec. 3. 17 MRSA §1011, sub-§18-A, as enacted by PL 1997, c. 456, §11, is repealed and the following enacted to read:

18-A. Livestock. "Livestock" means cattle; equines; sheep; goats; swine; domesticated cervids, fowl and rabbits; members of the genus lama; bison; and ratites.

See title page for effective date.

CHAPTER 335

H.P. 200 - L.D. 245

An Act To Promote Consistent
Protection of the State's Waters

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

Sec. 1. 12 MRSA §685-A, sub-§12 is enacted to read:

12. Timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. Beginning January 1, 2006, rules adopted by the Commissioner of Conservation pursuant to section 8867-B apply in the unorganized and deorganized areas for the purpose of regulating timber harvesting and timber harvesting activities in areas adjacent to

rivers, streams, ponds, wetlands and tidal waters. The Director of the Bureau of Forestry shall administer and enforce the regulation of timber harvesting and timber harvesting activities in these areas. For the purposes of this subsection, "timber harvesting" and "timber harvesting activities" have the same meanings as in section 8868, subsections 4 and 5.

Sec. 2. 12 MRSA §8867-B, as amended by PL 2001, c. 566, §1, is further amended to read:

§8867-B. Regulation of timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters

In accordance with the purposes of chapter 206-A and Title 38, chapter 3 and no later than October 1, 2003, the Commissioner of Conservation may provisionally shall adopt rules in accordance with Title 5, chapter 375 to establish performance standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The rules must provide the maximum opportunity for flexibility that achieves the goal of protecting the public resources while minimizing the impact on private resources. ~~Rules~~ The initial rules adopted pursuant to this section are ~~major substantive routine technical~~ rules as defined in Title 5, chapter 375, subchapter ~~H-A 2-A~~. Subsequent amendments to those rules are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §8869, sub-§8, as amended by PL 1999, c. 263, §1, is further amended by amending the 2nd paragraph to read:

A municipality may not adopt an ordinance that is less stringent than the minimum standards established in this section and in rules adopted by the commissioner to implement this section and section 8867-B. A municipality may not adopt or amend an ordinance that regulates timber harvesting unless the process set out in this subsection is followed in the development and review of the ordinance.

Sec. 4. 38 MRSA §438-A, as amended by PL 1997, c. 726, §2, is further amended by adding a new 2nd paragraph to read:

Notwithstanding other provisions of this article, beginning January 1, 2006 the regulation of timber harvesting and timber harvesting activities in shoreland areas must be in accordance with section 438-B and rules adopted by the Commissioner of Conservation pursuant to Title 12, section 8867-B.

Sec. 5. 38 MRSA §438-B is enacted to read: