

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

nances that the office has determined are consistent with the comprehensive plan; and

(3) Third, to a municipality that has adopted a comprehensive plan that the office has determined is consistent with the procedures, goals and guidelines of this subchapter.

If a municipality has submitted a comprehensive plan, zoning ordinance or growth management program to the office for review, the time for the office to respond as established in section 4347-A has expired and the office has not provided its comments or findings to the municipality, a state agency when awarding a grant or making a discretionary investment under this subsection may not give preference over the municipality to another municipality.

B. This subsection applies to:

(1) Programs that assist in the acquisition of land for conservation, natural resource protection, open space or recreational facilities under Title 5, chapter 353; and

(2) Programs intended to:

(a) Accommodate or encourage additional growth and development;

(b) Improve, expand or construct public facilities; or

(c) Acquire land for conservation or management of specific economic and natural resource concerns.

C. This subsection does not apply to state grants or other assistance for sewage treatment facilities, public health programs or education.

D. The office shall work with state agencies to prepare mechanisms for establishing preferences in specific investment and grant programs as described in paragraph B.

**Sec. 3. Effective date.** This Act takes effect July 1, 2005.

Effective July 1, 2005.

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## CHAPTER 605

H.P. 1239 - L.D. 1663

### An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes

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

**Sec. 1. 5 MRSA §3305, sub-§1, ¶D,** as amended by PL 1995, c. 395, Pt. D, §1, is further amended to read:

D. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. The office shall make available to municipalities and regional planning agencies existing information from state agencies to be used in the development of comprehensive plans and land use ordinances. The director shall oversee delivery of technical assistance and resources to municipalities for the purpose of flood plain management activities and enhancing and expanding parks, open spaces and recreational opportunities as a part of comprehensive community development. Within available resources, the director shall provide technical assistance to municipalities and regional planning organizations in the development and implementation of local comprehensive land use plans and local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State;

See title page for effective date.

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## CHAPTER 606

H.P. 1252 - L.D. 1730

### An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission

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

**Sec. 1. 35-A MRSA §107, sub-§2, ¶A,** as amended by PL 1997, c. 586, §2, is further amended to read:

A. The general counsel, the administrative director, the assistant administrative director, the director of finance, the director of technical analysis, the director of energy programs and the director of consumer assistance serve at the pleasure of the commission and their salaries must be set by the commission within the ranges established by Title 2, section 6-A.

**Sec. 2. 35-A MRSA §107, sub-§2, ¶C,** as amended by PL 1997, c. 586, §3, is further amended to read:

C. The salaries of the other subordinate officials and employees of the commission, other than those of the general counsel, the administrative director, the assistant administrative director, the director of finance, the director of technical analysis, the director of energy programs, the director of consumer assistance and the staff attorney and utility analyst positions, are subject to the Civil Service Law.

### **Sec. 3. Appropriations and allocations.**

The following appropriations and allocations are made.

## **PUBLIC UTILITIES COMMISSION**

### **Conservation Administration Fund**

Initiative: Allocates funds for a Director of Energy Programs position, one Utility Analyst position and one Secretary position.

<b>Other Special Revenue Funds</b>	<b>2004-05</b>
Positions - Legislative Count	(3,000)
Personal Services	\$229,472
All Other	28,782
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Other Special Revenue	
Funds Total	\$258,254

See title page for effective date.

## **CHAPTER 607**

**S.P. 712 - L.D. 1866**

### **An Act Relating to Storm Water Management**

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

**Sec. 1. 38 MRSA §420-D, sub-§7, ¶B**, as enacted by PL 1995, c. 704, Pt. B, §2 and affected by Pt. C, §2 and PL 1997, c. 603, §8, is amended to read:

B. Disturbing areas for the purpose of normal farming activities, such as clearing of vegetation, plowing, seeding, cultivating, minor drainage and harvesting, does not require review pursuant to this section. A manure storage facility that is designed, constructed, managed and maintained in accordance with the United States Department of Agriculture, Natural Resources Conservation Service guidelines does not require review pursuant to this section. For purposes of this para-

graph, "manure storage facility" means a facility used primarily for containing manure.

### **Sec. 2. Storm water management rules.**

Notwithstanding the Maine Revised Statutes, Title 38, section 420-D, the Board of Environmental Protection shall provisionally adopt rules in accordance with Title 5, chapter 375 to regulate storm water management. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A and must be provisionally adopted and submitted to the Legislature no later than January 2, 2005.

**Sec. 3. Legislation.** The Department of Environmental Protection shall submit a bill to the First Regular Session of the 122nd Legislature no later than January 2, 2005 to amend provisions in the Maine Revised Statutes, Title 38, section 420-D to resolve inconsistencies between the rules adopted pursuant to section 2 of this bill and that section.

See title page for effective date.

## **CHAPTER 608**

**S.P. 750 - L.D. 1909**

### **An Act To Promote Decision Making Within the Workers' Compensation Board**

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

Whereas, waiting for the 90-day period to elapse would cause undue delay in the appointment of the Executive Director of the Workers' Compensation Board and the realignment of the board to enable a simple majority of the board to make decisions; and

Whereas, it would be detrimental to claimants and employers and would waste state resources to perpetuate unnecessarily an inefficient, and often deadlocked, administrative structure; 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. 2 MRSA §6, sub-§1**, as amended by PL 2003, c. 469, Pt. A, §1, is further amended to read: