

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.

Penmor Lithographers
Lewiston, Maine
2004

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.

| | |
|------------------------------------|----------------|
| Other Special Revenue Funds | 2004-05 |
| Positions - Legislative Count | (3,000) |
| Personal Services | \$229,472 |
| All Other | 28,782 |
| | ----- |
| 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: