

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

~~including 12 4.0 inches to less than 8.0 inches~~ has a point value of 2.

(iii) A tree with a diameter at 4 1/2 feet above ground level of ~~more than 12 8.0 inches to less than 12.0 inches~~ has a point value of 4.

(iv) A tree with a diameter at 4 1/2 feet above ground level of 12.0 or more inches has a point value of 8.

(b) In applying this point system:

(i) The ~~25-foot by 25-foot square~~ 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

(ii) Each successive plot must be adjacent to, but may not overlap, a previous plot;

(iii) Any plot not containing the required points may have no vegetation removed except as otherwise allowed by this subsection; ~~and~~

(iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this subsection; and

(v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

(c) For the purposes of this subparagraph, "other natural vegetation" is defined as retaining existing vegetation under 3 feet in height and other ground cover and retaining at least 5 saplings less than 2 inches in diameter at 4 1/2 feet above ground level for each 25-foot by 50-foot rectangular area. If 5 saplings do not exist, the landowner or lessee may not remove any woody stems less than 2 inches in diameter until 5 saplings have been recruited into the plot;

(3) In addition to the requirements of subparagraph (2), no more than 40% of the total volume of trees ~~4 4.0 inches or more in diameter, measured 4 1/2 feet above ground level, is selectively cut in any 10-year period;~~

~~(4) In order to protect water quality and wildlife habitat, existing vegetation under 3 feet in height and other ground cover is not removed except for construction of a footpath as provided in subparagraph (1);~~

(5) Tree branches are not pruned except on the bottom 1/3 of the tree as long as tree vitality will not be adversely affected; and

(6) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe or dead trees results in the creation of cleared openings in excess of 250 square feet, these openings are replanted with native tree species unless there is existing new tree growth.

~~Cleared openings legally in existence on September 1, 2002 may be maintained but may not be enlarged.~~

Cleared openings legally in existence on September 1, 2002 may be maintained but may not be enlarged.

This subsection applies to an area with vegetation composed primarily of shrubs, trees or other woody vegetation without regard to whether the area was previously cut or cleared;

Sec. 2. Rulemaking. Notwithstanding Resolve 1999, chapter 116, rules adopted by the Board of Environmental Protection and the Department of Conservation, Maine Land Use Regulation Commission pursuant to this Act are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 638

H.P. 1390 - L.D. 1870

An Act To Prohibit the Sale of Gasoline Containing MTBE

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

Sec. 1. 10 MRSA §2302, sub-§4-A is enacted to read:

4-A. Motor fuel dispenser. "Motor fuel dispenser" means a commercial motor fuel dispenser that dispenses fuel for retail sale.

Sec. 2. 10 MRSA §2413, as enacted by PL 1999, c. 709, §1, is repealed.

Sec. 3. 38 MRSA §585-H, as enacted by PL 1999, c. 709, §2, is amended to read:

§585-H. MTBE monitoring and reductions

The department shall monitor shipments of gasoline to storage terminals in this State and compile annual reports showing the levels of methyl tertiary butyl ether, referred to in this section as "MTBE," in gasoline brought into this State.

The department shall promote and actively participate in regional efforts by state regulatory agencies in the Northeast to develop alternatives to the use of MTBE as a gasoline additive. ~~In these efforts, the department shall work toward the goal of the elimination of MTBE in gasoline sold in the State by January 1, 2003 in a manner that:~~

~~1. **Market constraints.** Adequately accounts for market constraints related to supply and pricing; and~~

~~2. **Lowest environmental impact.** Based on thorough analysis and evaluation of alternatives to the use of MTBE, ensures the lowest possible total environmental impact.~~

The department shall annually, no later than February 1st of each year, present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the levels of MTBE in gasoline brought into this State ~~and the progress made in achieving the goal of eliminating MTBE in gasoline sold in the State by January 1, 2003.~~ The committee may report out to any session of any Legislature legislation relating to MTBE use in gasoline.

Sec. 4. 38 MRSA §585-I is enacted to read:

§585-I. MTBE

The following provisions apply to the sale of MTBE in the State.

1. Definition. For purposes of this section, "MTBE" means the gasoline oxygenate methyl tertiary butyl ether.

2. Prohibition on sale. Beginning January 1, 2007, a person may not sell, offer for sale, distribute or blend in this State gasoline that contains more than 1/2

of 1% by volume MTBE that is intended for sale to ultimate consumers in this State.

3. Emergency order. Notwithstanding subsection 2, whenever the commissioner finds that a danger to public health or safety exists due to low supply of gasoline in the State, the commissioner may issue an emergency order waiving the sales prohibition in subsection 2.

Sec. 5. Report. By March 1, 2006, the Department of Environmental Protection shall present a report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the implementation and status of the prohibition on the sale of gasoline containing more than 1/2 of 1% by volume methyl tertiary butyl ether, or MTBE.

See title page for effective date.

CHAPTER 639

S.P. 729 - L.D. 1881

**An Act To Amend the Law
Governing the Storage of Spirits**

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

Sec. 1. 28-A MRSA §453-C, sub-§3 is enacted to read:

3. Off-site storage facility license. A licensed reselling agent may obtain a license to maintain an off-site facility for the storage of spirits as provided in this subsection.

A. The off-site storage facility may be used only for the storage of spirits. The sales of spirits to an on-premises licensee must be transacted at the licensed retail agency store.

B. The off-site storage facility must be equipped with a security system providing 24-hour response.

C. A licensed reselling agent may have only one off-site storage facility, which may not be located further than 30 miles from the licensed retail agency store.

D. The fee for an off-site storage facility license is \$100 annually.

See title page for effective date.
