

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

(10) Chain Lakes Stream in Township 31 - Class AA.

(11) Pembroke Stream in Township 31 Middle Division - Class AA.

(12) Holmes Brook in Northfield - Class AA.

(13) Bog Brook - Class AA.

(14) Pineo Brook in Wesley - Class AA.

(15) Black Brook in Township 25 Middle Division - Class AA.

Sec. 4. 38 MRSA §467, sub-§8, ¶B, as enacted by PL 1989, c. 764, §8, is amended to read:

B. Pleasant River, tributaries - Class A unless otherwise specified.

(1) All tributaries entering below the Maine Central Railroad bridge - Class B.

(2) Bog Stream (Deblois) - Class B.

(3) Beaver Meadow Brook (Deblois) - Class B.

(4) Eastern Little River in Columbia Falls - Class AA.

(5) Western Little River from its confluence with Montegail Stream to the Pleasant River in Columbia, Township 18 Middle Division and Township 19 Middle Division - Class AA.

Sec. 5. 38 MRSA §468, sub-§8, ¶K, as enacted by PL 2003, c. 317, §21, is amended to read:

K. Steuben.

(1) Whitten Parritt Stream - Class A.

(2) Tunk Stream and tributaries upstream of Route 1 - Class A.

Sec. 6. 38 MRSA §468, sub-§8, ¶¶L to O are enacted to read:

L. Harrington.

(1) Harrington River and tributaries - Class A.

M. Columbia.

(1) Harrington River and tributaries - Class A.

N. Addison.

(1) Indian River - Class A.

O. Jonesport.

(1) Indian River - Class A.

Sec. 7. Water use standards. The Department of Environmental Protection shall take into consideration when adopting water use standards pursuant to the Maine Revised Statutes, Title 38, section 470-E that it is not the Legislature's intent to prohibit all water use in waters that are reclassified in this Act.

See title page for effective date.

CHAPTER 664

S.P. 743 - L.D. 1899

An Act To Amend the Dissolved Oxygen Standard for Class C Waters

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

Sec. 1. 38 MRSA §465, sub-§4, ¶B, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §63, is further amended to read:

B. The dissolved oxygen content of Class C water may be not less than 5 parts per million or 60% of saturation, whichever is higher, except that in identified salmonid spawning areas where water quality is sufficient to ensure spawning, egg incubation and survival of early life stages, that water quality sufficient for these purposes must be maintained. In addition, in order to provide additional protection for growth of indigenous fish, dischargers that were issued final discharge licenses or water quality certificates prior to March 16, 2004 that are based on a 6.5 parts per million dissolved oxygen criterion must continue to be licensed using a temperature of 24 degrees centigrade or the ambient temperature of the water body, whichever is lower. Final discharge licenses and water quality certificates not based on a 6.5 parts per million dissolved oxygen criterion prior to March 16, 2004 must be based on a 6.5 parts per million dissolved oxygen criterion at a temperature of 22 degrees centigrade or the ambient temperature of the water body, whichever is lower. Between May 15th and September 30th, the number of Escherichia coli bacteria of human origin in these waters may not exceed a geometric mean of 142 per 100 milliliters or an instantaneous level of 949 per 100 milliliters. The board shall ~~promulgate~~ adopt rules governing the procedure for designation of spawning areas. Those rules must include provi-

sion for periodic review of designated spawning areas and consultation with affected persons prior to designation of a stretch of water as a spawning area.

See title page for effective date.

CHAPTER 665

H.P. 1429 - L.D. 1929

An Act To Promote Economic Development in the State by Encouraging the Production of Electricity from Renewable and Indigenous Resources

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

Sec. 1. 35-A MRSA §3210, sub-§7 is enacted to read:

7. Information. The commission shall inform electricity consumers in this State of the benefits of electricity generated in this State using renewable resources and of the opportunities available in this State to purchase electricity that is generated using those resources. The commission may not promote any renewable resources over others. The commission may apply for, receive and expend grant money from the United States Department of Energy and other government agencies for this purpose. Notwithstanding section 3211-A, subsection 5, the commission also may use up to \$100,000 per year from the conservation program fund established under section 3211-A, subsection 5 to support the purposes of this subsection. The commission may create or cause to be created a brand or logo to identify Maine renewable resources to consumers. The commission shall register any mark or logo created pursuant to this subsection with the United States Patent and Trademark Office or in accordance with Title 10, chapter 301-A, or both. Any brand or logo created pursuant to this subsection may only be used in accordance with the purposes of this subsection as approved by the commission.

Sec. 2. 35-A MRSA §3212, sub-§4-A is enacted to read:

4-A. Renewables; hedging. The commission shall adopt rules establishing standards and procedures for incorporating renewable resources that are constructed after March 1, 2004 into standard-offer service. The rules must provide for the incorporation of such resources if the commission finds that the incorporation will reduce the risk of price volatility, offer an effective hedging strategy and provide a competitively priced supply option. The commission may enter into or require standard-offer providers

chosen by a competitive bidding process to enter into contracts with appropriate terms in order to achieve the purposes of this subsection consistent with the legislative findings established in chapter 34 and rules adopted pursuant to this subsection. For purposes of this subsection, "renewable resources" has the same meaning as in section 3210, subsection 2. Rules adopted pursuant to this subsection are major substantive rules, as defined in Title 5, chapter 375, subchapter 2-A, and must be submitted to the Legislature for review by March 1, 2005.

Sec. 3. 35-A MRSA c. 34 is enacted to read:

CHAPTER 34

THE MAINE WIND ENERGY ACT

§3401. Short title

This chapter may be known and cited as "the Maine Wind Energy Act."

§3402. Legislative findings

The Legislature finds that it is in the public interest to explore opportunities for and encourage the development, where appropriate, of wind energy production in the State in a manner that is consistent with high environmental standards and that achieves reliable, cost-effective, sustainable energy production on those sites in the State that will attract investment and permit the development of viable wind energy projects. The Legislature finds that the development of the wind energy potential in the State needs to be integrated into the existing energy supply and transmission systems in a way that achieves system reliability, total capital cost-effectiveness and optimum short-term and long-term benefits to Maine people.

§3403. Specific measures to support wind energy

1. Monitoring. The commission shall monitor electricity markets and sale opportunities physically accessible to wind power installations in this State to determine whether such markets and opportunities are available for the sale of wind energy in accordance with federal and state law.

2. Legal action. After consultation with the Attorney General, the commission may initiate regulatory and other legal action to protect access to markets by wind power facilities located in the State.

Sec. 4. Wind power study. The Public Utilities Commission shall conduct a study of the viability of and potential for the development of wind power facilities in this State. In conducting the study, the commission shall examine at least the following: