

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

Standing Committee on Judiciary on the number of complaints the commission has received in which the employee has suffered discrimination through actions or inaction of a supervisor, but the employer has an affirmative defense against liability. The report must be submitted not later than January 14, 2004; and be it further

**Sec. 2. Legislation. Resolved:** That the Joint Standing Committee on Judiciary is authorized to submit legislation to the Second Regular Session of the 121st Legislature in response to the commission's report.

See title page for effective date.

## CHAPTER 37

### H.P. 777 - L.D. 1059

#### **Resolve, Directing the Department of Environmental Protection To Recognize the Distinction between Water Storage Reservoirs and Natural Lakes**

**Whereas**, the Maine Revised Statutes, Title 38, section 464, subsection 5 requires the Department of Environmental Protection, Board of Environmental Protection to adopt rules necessary to implement the water quality classification system; and

**Whereas**, the rules must include sampling and analytical methods, protocols and procedures for satisfying the water quality criteria, including evaluation of the impact of any discharge on the resident biological community; and

**Whereas**, Title 38, section 464, subsection 9 provides that certain hydropower projects that do not attain the habitat and aquatic life criteria of Title 38, section 465-A must, at a minimum, satisfy the Class C aquatic life criteria contained in Title 38, section 465, subsection 4, paragraph C; and

**Whereas**, the Class C aquatic life criteria contained in Title 38, section 465, subsection 4, paragraph C allow some changes to aquatic life as long as the receiving waters are of sufficient quality to support all species of fish indigenous to the receiving waters and maintain the structure and function of the resident biological community; and

**Whereas**, the fact that water storage reservoirs are not natural lakes should be recognized when implementing water quality classifications; and

**Whereas**, many water storage reservoirs were authorized by legislative charter for the purpose of

storing and releasing water for in-stream purposes and downstream uses; now, therefore, be it

**Sec. 1. Water storage reservoirs; rules. Resolved:** That the Department of Environmental Protection, Board of Environmental Protection shall adopt rules under the Maine Revised Statutes, Title 38, section 464, subsection 5 relating to protocols and procedures for evaluation of the resident biological community in water storage reservoirs. In adopting the rules, the Board of Environmental Protection shall recognize that water storage reservoirs are artificial and are not natural water bodies, and the rules must ensure that the existing uses of water storage reservoirs are maintained and protected. In issuing licenses, permits and certifications prior to final adoption of the rules, the Department of Environmental Protection shall recognize that water storage reservoirs are artificial and are not natural water bodies and shall ensure that the existing uses of water storage reservoirs are maintained and protected. The goal of the rules and any license, permit or certification must be to require that the structure and function of the resident biological community that must be maintained in a water storage reservoir is the structure and function that would be expected to exist in a water storage reservoir with a drawdown of similar magnitude. As used in this resolve, "water storage reservoir" means an impoundment associated with a hydropower project, as defined by Title 38, section 632, that was in existence prior to November 28, 1975, was not primarily lacustrine in its natural state, is classified under Title 38, section 465-A and is managed to store and release water on an annual cycle to benefit downstream hydropower generation.

See title page for effective date.

## CHAPTER 38

### H.P. 1046 - L.D. 1427

#### **Resolve, Requiring That Temporary Registration Plates Identify the Issuing Dealership**

**Sec. 1. Temporary plate dealer identification authorized. Resolved:** That the Secretary of State shall adopt rules to establish and implement a process by which a temporary registration plate attached to a motor vehicle or trailer, pursuant to the Maine Revised Statutes, Title 29-A, section 462, identifies the dealership that attached the plate. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.