

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**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**  
**2005**

**Whereas**, most nonprofit organizations hold their fund-raising activities in the summer months, before the usual effective date for nonemergency legislation; 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. 17 MRSA §332, sub-§4, ¶B**, as amended by PL 1999, c. 295, §1, is further amended to read:

B. No other licensee may operate a game of chance on premises to which the general public has access. In any room where a licensed game of chance is being conducted, there must be at least one member of the licensee present in that room for every 2 nonmembers who are present. That member must have been a member of the licensee for at least one year. A member of the licensee, either directly or through another member or guest, may not stake or risk something of value in the licensee's game of chance unless the member has been a member, as defined in section 330, subsection 3-B, of the licensee for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a licensed game of chance to which the general public has access, once every 3 months for a period not to exceed 2 3 consecutive days. The licensed game of chance may be operated at any location described in the license and may be conducted only by members of the licensee.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 20, 2005.

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## CHAPTER 180

S.P. 395 - L.D. 1131

### An Act To Recognize and Protect the Native Eastern Brook Trout as Maine's Heritage Fish

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

**Sec. 1. 1 MRSA §212-A** is enacted to read:

#### **§212-A. State heritage fish**

The eastern brook trout, *Salvelinus fontinalis*, is a state heritage fish.

**Sec. 2. 12 MRSA §12461** is enacted to read:

#### **§12461. Native brook trout waters**

**1. Adoption of initial list of native brook trout waters.** The commissioner shall adopt by rule a list of native brook trout waters composed of lakes and ponds that contain eastern brook trout and have never been stocked according to any reliable records. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**2. Addition of waters to list.** The commissioner may adopt rules to amend the list established in subsection 1 to add a lake or pond if that lake or pond meets criteria established by the commissioner for classifying a lake or pond as native brook trout waters. Rules adopted to add a lake or pond to the list established under subsection 1 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

**3. Removal of waters from list.** The commissioner may by rule remove a lake or pond from the list established in subsection 1. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

**4. Stocking native brook trout waters.** The commissioner may not stock or issue a permit to stock fish in a lake or pond listed as native brook trout water under this section.

**5. Fishing restrictions.** A person may not use live fish bait or possess live fish bait on a lake or pond listed as native brook trout water under this section. A person who violates this subsection commits a Class E crime.

See title page for effective date.

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## CHAPTER 181

H.P. 753 - L.D. 1100

### An Act To Set Emission Limits for Certain Architectural Coatings

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

**Sec. 1. 38 MRSA §585-J** is enacted to read:

**§585-J. Architectural coatings****1. Manufactured on or after January 1, 2006.**

A person may not manufacture, blend or repackage for sale within the State, supply, sell or offer for sale within the State or solicit for application or apply within the State, any architectural or industrial maintenance coating manufactured on or after January 1, 2006 that contains volatile organic compounds in excess of limits specified in this subsection. Limits are expressed in grams of volatile organic compounds per liter of coating thinned to the manufacturer's maximum recommendation, excluding the volume of any water, exempt compounds or colorant added to tint bases. "Manufacturer's maximum recommendation" means the maximum recommendation for thinning that is indicated on the label or lid of the coating container.

A. Interior wood clear and semitransparent stains may not contain volatile organic compounds in excess of 550 grams per liter.

B. Varnishes may not contain volatile organic compounds in excess of 450 grams per liter. Effective January 1, 2011, varnishes may not contain volatile organic compounds in excess of 350 grams per liter.

**2. Manufactured prior to January 1, 2006.**

An architectural or industrial maintenance coating manufactured prior to January 1, 2006 may be sold, supplied, offered for sale or applied after January 1, 2006 as long as the architectural or industrial maintenance coating complies with the standards in effect at the time the coating was manufactured, and the coating displays the date of manufacture on the lid, label or bottom of the container.

**3. Rulemaking.** The department shall adopt rules to implement this section. 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.

**CHAPTER 182****H.P. 901 - L.D. 1304****An Act Concerning Invasive Species and Water Quality Standards**

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

**Sec. 1.** **38 MRSA §464, sub-§4, ¶A,** as amended by PL 2003, c. 650, §3, is further amended to read:

A. Notwithstanding section 414-A, the department may not issue a water discharge license for any of the following discharges:

(1) Direct discharge of pollutants to waters having a drainage area of less than 10 square miles, except that:

(a) Discharges into these waters that were licensed prior to January 1, 1986 are allowed to continue only until practical alternatives exist; ~~and~~

(b) Storm water discharges in compliance with state and local requirements are exempt from this subparagraph;

(c) Aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species are exempt from this subparagraph; and

(d) Chemical discharges for the purpose of restoring water quality in GPA waters approved by the department are exempt from this subparagraph;

(2) New direct discharge of domestic pollutants to tributaries of Class-GPA waters;

(3) Any discharge into a tributary of GPA waters that by itself or in combination with other activities causes water quality degradation that would impair the characteristics and designated uses of downstream GPA waters or causes an increase in the trophic state of those GPA waters except for aquatic pesticide or chemical discharges approved by the department and conducted by the department, the Department of Inland Fisheries and Wildlife or an agent of either agency for the purpose of restoring biological communities affected by an invasive species in the GPA waters or a tributary to the GPA waters;

(4) Discharge of pollutants to waters of the State that imparts color, taste, turbidity, toxicity, radioactivity or other properties that cause those waters to be unsuitable for the designated uses and characteristics ascribed to their class;

(5) Discharge of pollutants to any water of the State that violates sections 465, 465-A