

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**

**July 29, 2005**

**SECOND REGULAR SESSION**

**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND SPECIAL SESSION**

**NON-EMERGENCY LAWS IS**

**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**

**SECOND REGULAR SESSION**

**NON-EMERGENCY LAWS IS**

**AUGUST 23, 2006**

**PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.**

---

---

**Penmor Lithographers**

**Lewiston, Maine**

**2006**

~~Maine observes the same reciprocity with regard to hazardous waste transported to that state from Maine.~~

**Sec. 5. 38 MRSA §1319-I, sub-§4-A**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §259, is further amended to read:

**4-A. Fee on waste oil sale or disposal.** A fee of ~~4¢~~ 2¢ a gallon on each gallon of waste oil transported, collected or stored must be paid by the waste oil dealer that first transports, collects or stores that waste oil. Waste oil dealers shall maintain records sufficient to determine whether the dealer is liable for any and all fees imposed pursuant to this subsection and shall submit such records to the commissioner as required by rule of the board.

**Sec. 6. 38 MRSA §1319-O, sub-§3, ¶D**, as enacted by PL 1989, c. 124, §3, is amended to read:

D. The board may assess licensing and registration fees sufficient to pay for the department's administrative costs in regulating biomedical waste.

**Sec. 7. Report.** The Department of Environmental Protection shall prepare a report on funding for cleanup of sites contaminated by hazardous waste, biomedical waste and waste oil. The report must include an assessment of the adequacy of the Maine Hazardous Waste Fund and must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters no later than February 1, 2007. The committee may report out legislation dealing with the fees for the transport and disposal of hazardous waste to the First Regular Session of the 123rd Legislature.

See title page for effective date.

---



---

**CHAPTER 550**

**H.P. 1474 - L.D. 2083**

**An Act To Implement the  
Recommendations of the Joint  
Standing Committee on Agriculture,  
Conservation and Forestry Relating  
to Review of the Department of  
Conservation**

**Emergency preamble.** **Whereas**, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, statutes authorizing the Department of Conservation, Bureau of Forestry to study outcome-based forest policy as an alternative to prescriptive regulation will be repealed on July 1, 2006 unless action is taken by the Legislature; and

**Whereas**, an extension of this repeal date is necessary for further study by the bureau of this potentially beneficial policy; 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. 3 MRSA §959, sub-§1, ¶A**, as amended by PL 2003, c. 578, §1 and c. 600, §1, is further amended to read:

A. The joint standing committee of the Legislature having jurisdiction over agriculture, conservation and forestry matters shall use the following list as a guideline for scheduling reviews:

- (1) Baxter State Park Authority in 2009;
- (2) Department of Conservation in ~~2005~~ 2011;
- (3) Blueberry Advisory Committee in ~~2005~~ 2011;
- (4) Board of Pesticides Control in ~~2005~~ 2011;
- (5) Wild Blueberry Commission of Maine in ~~2005~~ 2011;
- (6) Seed Potato Board in ~~2005~~ 2011;
- (7) Maine Dairy and Nutrition Council in 2007;
- (8) Maine Dairy Promotions Board in 2007;
- (9) Maine Milk Commission in 2007;
- (10) State Harness Racing Commission in 2007;
- (11) Maine Agricultural Bargaining Board in ~~2003~~ 2009;
- (12) Department of Agriculture, Food and Rural Resources in 2009; and
- (14) Land for Maine's Future Board in 2007.

**Sec. 2. 12 MRSA §8003, sub-§3, ¶Q**, as enacted by PL 2001, c. 339, §1, is amended to read:

Q. The director, in cooperation with public and private landowners, shall actively pursue creating experimental areas on public and private land where the principles and applicability of outcome-based forest policy, as defined in section 8868, can be applied and tested. No more than 6 such areas may be designated, a single area may not exceed 100,000 acres and the total area under agreement may not exceed 200,000 acres. One area must be owned by a landowner holding fewer than 1,000 acres statewide. The director shall seek to designate areas representing differing forest types and conditions and from different geographic regions of the State. The term of initial agreements may not exceed 5 years. This paragraph is repealed July 1, ~~2006~~ 2007.

**Sec. 3. 12 MRSA §8868, sub-§2-B**, as enacted by PL 2001, c. 339, §2, is amended to read:

**2-B. Outcome-based forest policy.** "Outcome-based forest policy" means a science-based, voluntary process to achieve agreed-upon economic, environmental and social outcomes in the State's forest, as an alternative to prescriptive regulation, demonstrating measurable progress towards achieving statewide sustainability goals and allowing landowners to use creativity and flexibility to achieve objectives, while providing for the conservation of public trust resources and the public values of forests. This subsection is repealed July 1, ~~2006~~ 2007.

**Sec. 4. 12 MRSA §8869, sub-§3-A**, as enacted by PL 2001, c. 339, §3, is amended to read:

**3-A. Plans for experimental areas.** Practices applied on an experimental area created pursuant to section 8003, subsection 3, paragraph Q must provide at least the equivalent forest and environmental protection as provided by existing rules and any applicable local regulations. At a minimum, tests of outcome-based principles must address:

- A. Soil productivity;
- B. Water quality, wetlands and riparian zones;
- C. Timber supply and quality;
- D. Aesthetic impacts of timber harvesting;
- E. Biological diversity; and
- F. Public accountability.

The Governor shall appoint a panel of technical experts to work with the director to implement, monitor and assess tests of outcome-based forestry principles. In order to participate in the outcome-based forestry experiment, the landowner, director and

technical panel must develop agreed-upon desired outcomes for the experimental area and develop a method for determining if the outcomes have been attained and a system for reporting results to the public. This subsection is repealed July 1, ~~2006~~ 2007.

**Sec. 5. 12 MRSA §8869, sub-§7-A**, as enacted by PL 2001, c. 339, §5, is amended to read:

**7-A. Exemption for outcome-based forest policy experimental areas.** Outcome-based forest policy experimental areas designated under section 8003, subsection 3, paragraph Q are exempt from the requirements of this subchapter and rules adopted pursuant to this subchapter. This subsection is repealed July 1, ~~2006~~ 2007.

**Sec. 6. 12 MRSA §8869, sub-§13**, as enacted by PL 2001, c. 339, §6, is amended to read:

**13. Confidential information.** Information provided to the bureau voluntarily or to fulfill reporting requirements for the purposes of establishing and monitoring outcome-based forest policy experimental areas, as created pursuant to section 8003, subsection 3, paragraph Q, is designated as confidential for the purposes of Title 1, section 402, subsection 3, paragraph A if the bureau has determined that failure to designate the information as confidential would provide competitors an opportunity to obtain business or competitive advantage over the person to whom the information belongs or pertains or would result in loss or other significant detriment to that person. The bureau, working with the landowner and the panel of technical experts appointed under subsection 3-A, may publish reports as long as those reports do not reveal confidential information. This subsection is repealed July 1, ~~2006~~ 2007.

**Sec. 7. Report to Legislature on outcome-based forestry.** By January 2, 2007, the Director of the Bureau of Forestry within the Department of Conservation shall report to the joint standing committee of the Legislature having jurisdiction over forestry matters on the interest in and feasibility of establishing outcome-based experimental areas in accordance with Public Law 2001, chapter 339. The report must include a recommendation regarding continuing authorization for the bureau to pursue outcome-based forest policy. The committee may report out legislation to the 123rd Legislature regarding outcome-based forestry.

**Sec. 8. Review of submerged lands leasing program.** The Director of the Bureau of Parks and Lands within the Department of Conservation shall review the rent structure for leases under the submerged lands leasing program administered by the bureau in accordance with the Maine Revised Statutes, Title 12, section 1862. The review must include an

examination of fair market rental values, maximum rents established in statute and the potential to generate more revenue from submerged land leases. The director shall submit a report with findings and recommendations to the joint standing committee of the Legislature having jurisdiction over public lands by January 2, 2007. The report must include options for increasing lease revenue significantly and a description of potential risks or problems associated with each option. The department shall submit legislation necessary to implement the bureau's recommendations to the First Regular Session of the 123rd Legislature.

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

Effective April 6, 2006.

**CHAPTER 551**

**H.P. 1442 - L.D. 2046**

**An Act To Implement the Recommendations of the Attorney General's Working Group Regarding Sentencing Factors for Crimes against Persons Who Are Homeless**

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

**Sec. 1. 17-A MRSA §1151, sub-§8, ¶B,** as enacted by PL 1995, c. 149, §1, is amended to read:

B. The selection by the defendant of the person against whom the crime was committed or of the property that was damaged or otherwise affected by the crime because of the race, color, religion, sex, ancestry, national origin, physical or mental disability ~~or~~ sexual orientation or homelessness of that person or of the owner or occupant of that property.

See title page for effective date.

**CHAPTER 552**

**H.P. 1466 - L.D. 2072**

**An Act To Amend the Definition of "Municipality" as It Relates to the Maine Municipal Bond Bank Act**

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period in order to enable the Maine Municipal Bond Bank to make loans in a timely fashion; 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. 30-A MRSA §5903, sub-§7-A, ¶A,** as amended by PL 1997, c. 555, §1, is further amended to read:

A. Any city, town, special district, county, plantation or municipal village corporation within the State, including any corporation owned entirely by any entity specified in this paragraph and providing water, sewer or electric service or performing other essential governmental functions;

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

Effective April 6, 2006.

**CHAPTER 553**

**H.P. 1168 - L.D. 1657**

**An Act To Minimize the Risk to Maine's Marine Waters and Organisms Posed by the Application of Pesticides**

**Emergency preamble.** Whereas, acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the spraying of pesticides to curtail browntail moth populations begins in the spring; and

**Whereas,** action is needed to reduce the risk to marine organisms from pesticides used to curtail browntail moths; 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,