

MAINE STATE LEGISLATURE

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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

Sec. A-5. Appropriations and allocations.

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

**Firefighters and Law Enforcement Officers Health Insurance
Program Fund**

Initiative: Allocates funds for an Employee Benefits Technician position effective January 1, 2007 and related All Other costs to administer the subsidy program for health insurance for eligible retired firefighters and law enforcement officers.

FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND			
	2005-06		2006-07
POSITIONS -			
LEGISLATIVE COUNT	0.000		1.000
Personal Services	\$0		\$26,000
All Other	\$0		\$55,000
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FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS HEALTH INSURANCE PROGRAM FUND TOTAL	\$0		\$81,000

PART B

Sec. B-1. 5 MRSA §17656, sub-§1, ¶D is enacted to read:

D. If the plan from which the member is transferring and the plan to which the member is transferring are both plans described in section 286-M, subsection 3, paragraph A, subparagraph (3), the member may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or part of the creditable service and earnable compensation from a prior plan or plans.

Sec. B-2. 5 MRSA §18253, sub-§1, ¶E is enacted to read:

E. If the plan from which the member is transferring and the plan to which the member is transferring are both plans described in section 286-M, subsection 3, paragraph A, subparagraph (3), the member may elect to make the contribution necessary to include all or part of the member's creditable service and earnable compensation from the prior plan in the new plan. The retirement system shall establish procedures for determining the contribution necessary for such a member to carry forward all or

part of the creditable service and earnable compensation from a prior plan or plans.

See title page for effective date.

CHAPTER 637

S.P. 743 - L.D. 1944

An Act To Implement Certain Recommendations of the Washington County Economic Development Task Force

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

Sec. 1. 30-A MRSA §5250-I, sub-§7-A is enacted to read:

7-A. Experiential tourism. "Experiential tourism" means tourism that allows individuals to be active participants in outdoor recreational activities including but not limited to: hiking, camping, birding and other wildlife viewing, nature photography, visits to historical and cultural sights and museums, nature tourism, adventure tourism and ecotourism.

Sec. 2. 30-A MRSA §5250-J, sub-§1, ¶D, as amended by PL 2005, c. 451, §1, is repealed and the following enacted in its place:

D. Washington County and the Downeast region including 2 pilot projects to be established by the commissioner:

(1) A pilot project for the property of the former Cutler naval computer and telecommunications station, which may be excluded from the qualified business definitions established under section 5250-I, subsections 16 and 17 if a for-profit business is engaged in, or will engage in, tourism development including recreational tourism, experiential tourism, hotel development and resort facility development; and

(2) A pilot project that allows seasonal employees in seasonal industries based on natural resources to be considered qualified Pine Tree Development Zone employees for the purposes of section 5250-I, subsection 18; and

Sec. 3. Pilot projects in Washington County. The Commissioner of Economic and Community Development shall report by February 15, 2008 to the joint standing committee of the Legislature having jurisdiction over taxation matters and the joint standing committee of the Legislature having jurisdic-

tion over business, research and economic development matters on the progress of the 2 pilot Pine Tree Development Zone projects in Washington County, established pursuant to the Maine Revised Statutes, Title 30-A, section 5250-J, subsection 1, paragraph D, including any proposed changes to the pilot projects. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters may report out legislation on the Washington County pilot projects to the Second Regular Session of the 123rd Legislature.

Sec. 4. Appropriations and allocations.

The following appropriations and allocations are made.

**ECONOMIC AND COMMUNITY DEVELOPMENT,
DEPARTMENT OF**

Regional Development 0792

Initiative: Provides one-time funds for the Washington County Development Authority to be distributed through a request for proposal process.

GENERAL FUND	2005-06	2006-07
All Other	\$0	\$75,000
GENERAL FUND TOTAL	\$0	\$75,000

See title page for effective date.

CHAPTER 638

S.P. 381 - L.D. 1064

**An Act To Clarify the Laws
Governing Agricultural Composting
Operations**

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

Sec. 1. 17 MRSA §2805, as amended by PL 2003, c. 283, §6, is further amended to read:

**§2805. Farm, farm operation or agricultural
composting operation not nuisance; use of
best management practices**

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Farm" means the land, buildings and machinery used in the commercial production of farm products.

B. "Farm operation" means a condition or activity that occurs on a farm in connection with the commercial production of farm products and includes, but is not limited to, operations giving

rise to noise, odors, dust, insects, and fumes; operation of machinery and irrigation pumps; ground and aerial seeding; ground spraying; ~~composting of material produced by the farm or to be used at least in part on the farm, and~~ disposal of manure; the application of chemical fertilizers, soil amendments, conditioners and pesticides; and the employment and use of labor.

C. "Farm product" means those plants and animals useful to humans and includes, but is not limited to forages and sod crops, grains and food crops, dairy products, poultry and poultry products, bees, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products.

D. "Agricultural composting operation" means composting that takes place on a farm. "Agricultural composting operation" does not include an operation that involves nonorganic municipal solid waste or that composts municipal sludge, septage, industrial solid waste or industrial sludge. "Agricultural composting operation" does not include an operation that composts materials with a moderate or high risk of contamination from heavy metals, volatile and semivolatle organic compounds, polychlorinated biphenyls or dioxin.

E. "Composting" means the controlled aerobic decomposition of organic materials to produce a soil-like product beneficial to plant growth and suitable for agronomic use.

**2-A. Farm, farm operation or agricultural
composting operation not nuisance.** A farm or farm operation or agricultural composting operation may not be considered a public or private nuisance if the farm or farm operation or agricultural composting operation alleged to be a nuisance is in compliance with applicable state and federal laws, rules and regulations and meets one of the following conditions:

A. The farm or farm operation or agricultural composting operation conforms to best management practices, as determined by the Commissioner of Agriculture, Food and Rural Resources in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375;

B. For complaints regarding the storage or use of farm nutrients as defined in Title 7, section 4201, subsection 4, the farm or farm operation has implemented a nutrient management plan developed in accordance with Title 7, section 4204 and operation of the farm is consistent with the nutrient management plan; or

C. The farm or farm operation existed before a change in the land use or occupancy of land