

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

CHAPTER 146
S.P. 497 - L.D. 1419

An Act To Implement the
Recommendations of the
Allagash Wilderness Waterway
Working Group

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

Whereas, Governor John E. Baldacci established the Allagash Wilderness Waterway Working Group by executive order in June 2006 and the recommendations of the working group were presented to the Governor on February 8, 2007; and

Whereas, certain recommendations will aid in the long-term governance, management and oversight structure for this vital resource and will help to bring stability, peace and prestige to its management; 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. 5 MRSA §12004-I, sub-§3-D is enacted to read:

3-D.

<u>Conservation</u>	<u>Allagash Wilderness Waterway Advisory Council</u>	<u>Expenses/ Legislative per diem</u>	<u>12 MRSA §1891</u>
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Sec. 2. 12 MRSA §1874, as enacted by PL 1997, c. 678, §13, is amended to read:

§1874. Administration

The bureau shall administer the waterway under this subchapter, with the exception of powers to control activities previously delegated by law to the department's Bureau of Forestry, the Department of Inland Fisheries and Wildlife and the Board of Environmental Protection. The director shall create technical committees as needed to advance the waterway's purposes.

Sec. 3. 12 MRSA §1891 is enacted to read:

§1891. Allagash Wilderness Waterway Advisory Council; established

There is established the Allagash Wilderness Waterway Advisory Council, referred to in this section as "the council," pursuant to Title 5, section 12004-I, subsection 3-D.

1. Duties. The council shall:

A. Meet at least twice annually;

B. Work with the manager of the waterway in developing and maintaining a strategic plan for the waterway and advancing the mission and goals of the waterway; and

C. Report annually to the Director of the Bureau of Parks and Lands regarding the state of the waterway and at other times as it is determined necessary by the council.

2. Members. The council consists of 7 members including:

A. One representative of the United States Department of the Interior, National Park Service;

B. One public member;

C. One member with knowledge and experience in sustainable forest management who is a private landowner, or an employee of the landowner, whose holdings abut the waterway;

D. One member with knowledge and experience in wilderness recreation;

E. One member with knowledge and experience in natural resources planning and management;

F. One member with knowledge and experience in fisheries or wildlife conservation; and

G. One member with knowledge and experience in cultural and historic preservation.

The members shall annually elect a chair from among the members. The chair is responsible for scheduling, preparing the agenda of and presiding at meetings.

3. Appointment. The Governor shall appoint the 6 members described in subsection 2, paragraphs B to G. The Governor shall invite the Northeast Regional Director of the National Park Service within the United States Department of the Interior to designate the member described in subsection 2, paragraph A.

4. Terms. Council members serve terms of 5 years and may serve no more than 2 terms.

Sec. 4. 12 MRSA §1891-A is enacted to read:

§1891-A. Allagash Wilderness Waterway Permanent Endowment Fund

The Treasurer of State shall establish a dedicated, nonlapsing account called the Allagash Wilderness Waterway Permanent Endowment Fund and shall

manage the account as a state-held trust. Subject to the approval of the Governor, the commissioner may accept funds from any source and may accept gifts in trust to be credited to the Allagash Wilderness Waterway Permanent Endowment Fund, except that a gift may not be accepted with any encumbrances or stipulations as to the use of the gift. Interest earned on investments in the fund must be credited to the fund. With the advice of the Allagash Wilderness Waterway Advisory Council under section 1891, the director may expend money from the fund for purposes consistent with section 1871 and an approved waterway management plan.

Sec. 5. 12 MRSA §1891-B is enacted to read:
§1891-B. Reporting

The commissioner shall report on or before March 1st of each year to the joint standing committee of the Legislature having jurisdiction over conservation matters regarding the state of the waterway, including its mission and goals, administration, education and interpretive programs, historic preservation efforts, visitor use and evaluation, ecological conditions and any natural character enhancements, general finances, income, expenditures and balance of the Allagash Wilderness Waterway Permanent Endowment Fund, the department's annual budget request for the waterway operation in the coming fiscal year and current challenges and prospects for the waterway.

Sec. 6. Management as separate region. The Department of Conservation shall administer and manage the Allagash Wilderness Waterway as a separate region within the Bureau of Parks and Lands.

Sec. 7. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 12, section 1891, subsection 4 and in order to ensure a certain level of continuity of service on the Allagash Wilderness Waterway Advisory Council, the Commissioner of Conservation shall, in making the initial appointments for the advisory council, appoint 2 members to 3-year terms, 2 members to 4-year terms and 2 members to 5-year terms. The legislative committee approval requirements of Title 12, section 1891, subsection 3 apply to initial and subsequent appointments. An initial term of 3 or 4 years is considered a full term for purposes of calculating the term limitation in Title 12, section 1891, subsection 4.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**CONSERVATION, DEPARTMENT OF
Parks - General Operations 0221**

Initiative: Allocates funds for the per diem of the Allagash Wilderness Waterway Advisory Council.

	2007-08	2008-09
OTHER SPECIAL REVENUE FUNDS		
All Other	\$1,925	\$1,925
OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,925	\$1,925

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

Effective May 21, 2007.

CHAPTER 147

H.P. 792 - L.D. 1074

An Act To Amend the Maine Commercial Fertilizer Law

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

Sec. 1. 7 MRSA §742, sub-§1 is repealed.

Sec. 2. 7 MRSA §742, sub-§9, is amended to read:

9. Guaranteed analysis. "Guaranteed analysis":

A. "Guaranteed analysis" shall mean the minimum percentage of plant nutrients claimed in the following order and form:

- Total Nitrogen (N) per cent
- Available Phosphoric Acid (P₂O₅)..... per cent
- Soluble Potash (K₂O) per cent; and
- Magnesium (mg) per cent

B. "Guaranteed analysis" in paragraph A includes:

- (1) For unacidulated mineral phosphatic materials and basic slag, both total and available phosphorus or phosphoric acid and the degree of fineness. For bone, tankage and other organic phosphatic materials, total phosphorus or phosphoric acid; and
- (2) Additional plant nutrients expressed as the elements, when permitted by the commissioner.
- ~~(3) Potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of 100 pounds per ton, when permitted by regulation.~~
- ~~(4) For agricultural lime the minimum percentages of total calcium and total magne-~~