

# 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**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

**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**  
**2007**

**Sec. 1. Study of flood control and water storage. Resolved:** That the Department of Environmental Protection and the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency, referred to in this resolve as "the agencies," shall undertake a study of current state and federal laws regarding flood control and water storage by hydropower facilities, water level regimes of regulated storage reservoirs, the impact of those laws and regimes on flood control and any other consideration the agencies determine to be necessary to effectuate the purpose of the study. The purpose of the study is to identify ways to reduce the threat of flooding in the State. In conducting the study, the agencies shall invite the participation of interested stakeholders, including, but not limited to, representatives of hydropower facilities, environmental groups and municipal officials. By January 15, 2008, the agencies shall submit a report related to the study under this section, along with any necessary implementing legislation, for presentation to the Joint Standing Committee on Natural Resources. The Joint Standing Committee on Natural Resources is authorized to submit legislation related to the report to the Second Regular Session of the 123rd Legislature; and be it further

**Sec. 2. Review of criteria for water level modification. Resolved:** That the Department of Defense, Veterans and Emergency Management, Maine Emergency Management Agency shall review and submit a report on the criteria and procedures by which the water levels of dams and flood control structures in the State are modified in emergency circumstances and the procedures for notifying downstream properties of those water level modifications. The report must include an assessment of the effectiveness of those procedures in connection with the major rain events that occurred in May 2006 and April 2007. The report must be submitted to the Joint Standing Committee on Natural Resources by January 15, 2008.

See title page for effective date.

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**CHAPTER 81  
S.P. 325 - L.D. 1008**

**Resolve, Directing the  
Commission on Governmental  
Ethics and Election Practices  
To Provide Historical Data  
Regarding the Receipt and  
Resolution of Complaints  
Pertaining to Legislative Ethics  
Violations**

**Sec. 1. Commission on Governmental Ethics and Election Practices to provide historical data regarding receipt and resolution of complaints pertaining to legislative ethics violations. Resolved:** That the executive director of the Commission on Governmental Ethics and Election Practices shall provide to the Joint Standing Committee on Legal and Veterans Affairs the number of legislative ethics complaints received during the past 10 years, from whom the complaints were received, the extent of any investigation into any complaint and the final resolution of the complaints. In addition to the historical data, the executive director shall report whether or not the existing laws regarding legislative ethics and the authority granted to the Commission on Governmental Ethics and Election Practices are sufficient to properly resolve legislative ethics complaints or whether those laws impose barriers to effectively addressing actions that are recognized as violations of legislative ethics; and be it further

**Sec. 2. Report date and authorized legislation. Resolved:** That the executive director of the Commission on Governmental Ethics and Election Practices shall submit the data and report described in section 1 by February 15, 2008, including any proposed legislation. The Joint Standing Committee on Legal and Veterans Affairs is authorized to submit legislation to the Second Regular Session of the 123rd Legislature based on the information included in the report.

See title page for effective date.

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**CHAPTER 82  
H.P. 926 - L.D. 1318**

**Resolve, To Conduct an  
Independent Review of the  
Department of Marine  
Resources, Public Health  
Division**

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

**Whereas,** it is essential to conduct an independent review of the programs and procedures in the public health division within the Department of Marine Resources; and

**Whereas,** the review and audit must be completed prior to the next shellfish harvesting season; 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 preserva-