

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.

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.

**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.

**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-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Review of public health division within the Department of Marine Resources.

Resolved: That Maine Sea Grant shall work with the Interstate Shellfish Sanitation Conference to develop and issue a request for proposals to conduct a review of program procedures in the public health division within the Department of Marine Resources. Maine Sea Grant in conjunction with the Interstate Shellfish Sanitation Conference shall develop the scope of work in consultation with interested parties; and be it further

Sec. 2. Scoring committee. Resolved: That a 3-member scoring committee is established to review the responses to the request for proposals issued by Maine Sea Grant under section 1 and to select a vendor to conduct the review of the public health division within the Department of Marine Resources as provided for in the scope of work under section 1. The scoring committee must consist of a member from Maine Sea Grant, a member from the Department of Marine Resources and a member from the shellfish harvesting industry; and be it further

Sec. 3. Special Fund for Peer Review of the Department of Marine Resources, Public Health Division. Resolved:

That there is established the Special Fund for Peer Review of the Department of Marine Resources, Public Health Division, referred to in this section as "the fund." The Department of Marine Resources is authorized to accept all public and private funds for deposit into the fund. All interest from investment of the fund is to be credited to the fund. Expenditures from the fund by the department are limited to grants distributed at the direction of the scoring committee established in section 2 to conduct a review of program procedures of the public health division within the Department of Marine Resources. The fund is nonlapsing, and any money remaining in the fund after January 1, 2008 must remain in the fund subject to future allocation by the Legislature. The State Controller, on a one-time basis, may transfer funds from the Maine Coastal Program account in the Executive Department, State Planning Office in the amount of \$5,000 into the fund. The department shall notify the joint standing committee of the Legislature having jurisdiction over marine resources matters by January 15, 2009 on the balance of the fund; and be it further

Sec. 4. Review report. Resolved:

That Maine Sea Grant, in conjunction with the vendor selected under section 2 to do the review and after review and comment by the Interstate Shellfish Sanitation Conference, shall provide a report on the review conducted under section 1, including but not limited to findings, recommendations and any legislation needed to implement recommendations in the report, to the Joint Standing Committee on Marine Resources by

January 15, 2008. The Joint Standing Committee on Marine Resources may submit a bill during the Second Regular Session of the 123rd Legislature relating to the report; and be it further

Sec. 5. Shellfish advisory council. Resolved:

That the Department of Marine Resources shall work with the other members of the scoring committee under section 2 and solicit input from members of the shellfish harvesting industry to determine the need and feasibility of a shellfish advisory council to improve communication between the department and the shellfish harvesting industry and to provide advice to the department and the joint standing committee of the Legislature having jurisdiction over matters related to the management of the shellfish resource; and be it further

Sec. 6. Shellfish advisory council development report. Resolved:

That the Department of Marine Resources shall report its findings and recommendations regarding the development of a shellfish advisory council as provided under section 5 with any legislation necessary to implement the recommendations of the report to the Joint Standing Committee on Marine Resources no later than January 15, 2008. The Joint Standing Committee on Marine Resources may submit legislation during the Second Regular Session of the 123rd Legislature related to the report; and be it further

Sec. 7. Appropriations and allocations. Resolved:

That the following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

Planning Office 0082

Initiative: Provides funds on a one-time basis from the Maine Coastal Program account to be used as a grant to an independent vendor to conduct a peer review of the public health division within the Department of Marine Resources.

FEDERAL EXPENDITURES FUND	2007-08	2008-09
All Other	\$5,000	\$0
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FEDERAL EXPENDITURES FUND TOTAL	\$5,000	\$0

EXECUTIVE DEPARTMENT

DEPARTMENT TOTALS	2007-08	2008-09
FEDERAL EXPENDITURES FUND	\$5,000	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$5,000	\$0

MARINE RESOURCES, DEPARTMENT OF

Division of Administrative Services 0258

Initiative: Provides funds from the Special Fund for Peer Review of the Department of Marine Resources, Public Health Division on a one-time basis to be used as a grant to an independent vendor to conduct a peer review of the department's public health division.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$5,000	\$0
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$5,000	\$0

MARINE RESOURCES, DEPARTMENT OF

DEPARTMENT TOTALS

OTHER SPECIAL REVENUE FUNDS	\$5,000	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$5,000	\$0

SECTION TOTALS

FEDERAL EXPENDITURES FUND	\$5,000	\$0
OTHER SPECIAL REVENUE FUNDS	\$5,000	\$0
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SECTION TOTAL - ALL FUNDS	\$10,000	\$0

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

Effective June 15, 2007.

**CHAPTER 83
S.P. 712 - L.D. 1912**

**Resolve, To Develop the
Outdoor Licensed Network**

Sec. 1. Development and implementation plan for Outdoor Licensed Network. Resolved: That the Department of Inland Fisheries and

Wildlife, referred to in this resolve as "the department," in consultation with the Department of Conservation shall develop a plan to create and implement the Outdoor Licensed Network, referred to in this resolve as "the network," to acquire, preserve and enhance access to land and inland waters of the State, to ensure coordinated planning for the future use and preservation of access for activities licensed by the department and to provide an effective grassroots system to identify, secure and manage access on an ongoing basis; and be it further

Sec. 2. Plan to establish network sections and districts. Resolved: That the department, in consultation with the Department of Conservation, shall develop a plan to establish and implement 14 network sections and 95 network districts as are designated for the Maine Warden Service. Network districts must be designed to encompass existing fish and game clubs or create new clubs or network committees within each network district. Fish and game clubs or network committees must be utilized for the purpose of identifying, monitoring and prioritizing information on land within each network district that may be available for acquisition or other access for the network and to keep records on current landowner access agreements and to deal with landowner issues. The plan must be designed to allow fish and game clubs or network committees within each network district to apply for grants related to land access. The plan must consider having wardens within corresponding network sections or network districts attend monthly meetings held by the fish and game clubs or network committees to provide and receive information on landowner issues and complaints; and be it further

Sec. 3. Additional considerations. Resolved: That the department, in consultation with the Department of Conservation, in addition to the other requirements of this resolve, shall include in the plan developed pursuant to section 2 the following:

1. A contact for each network district;
2. The establishment of a land and water grant program to which a network district may apply for purposes of the network;
3. The development of software that network districts can use to get information about parcels of land, including, but not limited to, identifying land use and landowners and tracking landowner access permission;
4. The development of a standardized designation of activities within network districts, including, but not limited to, activities related to conservation, forestry, fishery, Maine Warden Service and all-terrain vehicles and snowmobiles; and
5. The negotiation of liability insurance for all network districts to include fish and game clubs, all-