

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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

12 MRSA § 2101, 3rd ¶ is amended to read:

Baxter State Park: The following described tracts of territory situated in the Counties of Penobscot and Piscataquis W. E. L. S. the same being in unorganized townships, to wit: That portion of Township 6, Range 8, Penobscot County in the southwest corner of said township bounded and described as follows: Beginning at the southwest corner of said township thence north along the west line of said township to First Grand or Matagamon Lake; thence easterly, southeasterly and southerly along the western shore of said lake to the point where the said western shore intersects the north line of the Dam Lot, so called, which was conveyed to the East Branch Dam Company by deed dated October 28, 1902 and recorded in Penobscot County Registry of Deeds in book 727, page 335 and reputed to be now owned by the East Branch Improvement Company; thence running west along the north line of said Dam Lot to the northwest corner thereof; thence running south along the west line of said Dam Lot to the southwest corner thereof; thence running east along the south line of said Dam Lot to the East Branch of the Penobscot River; thence running south by said East Branch to a point in the south line of said township where the said East Branch intersects the same; thence running west along the said south line of said township to the southwest corner thereof and the point of beginning; ~~that portion all of Township 3, Range 9, Piscataquis County now the property of the State of Maine: All of Township 4, Range 9, Piscataquis County: All of Township 5, Range 9, Piscataquis County: That portion of Township 6, Range 9, Piscataquis County lying south of Trout Brook and south of Wadleigh Brook and extending from the east line of said township across said township to the west line thereof excepting that part of Trout Brook Farm, so called, containing 136 acres, more or less, which was excepted and reserved from parcel one in a deed of Percival Proctor Baxter to the State of Maine as set forth in chapter 1 of the private and special laws of 1949: All of Township 3, Range 10, Piscataquis County: All of Township 4, Range 10, Piscataquis County: All of Township 5, Range 10, Piscataquis County, excepting therefrom an area of 20 acres in the southwesterly quarter thereof, formerly owned by and belonging to Charles A. Daisey, now owned by Arnold R. Daisey, which was excepted and reserved from a deed from Percival Proctor Baxter to the State of Maine, as set forth in chapter 91 of the private and special laws of 1943. The said within described 8 tracts or parcels of land contain ~~147,542~~ 149,506 acres, more or less.~~

Effective October 24, 1977

CHAPTER 105

AN ACT Making Additional Appropriations from the General Fund for the Current Fiscal Year Ending June 30, 1977, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and institutions will become due and payable before July 1, 1977; 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. Appropriations from General Fund. In order to provide for necessary expenditures of government and other purposes for the fiscal year ending June 30, 1977, the following sums, or as much thereof as shall severally be found necessary, as designated in the following tabulations, are appropriated out of any moneys in the General Fund not otherwise appropriated.

	APPROPRIATIONS FROM GENERAL FUND
	1976-77
Executive Department	
State Planning Office	
Personal Services	(-1) \$ (4,072)
Position transferred to Bureau of the Budget.	
Department of Finance and Administration	
Bureau of the Budget	
Personal Services	(1) 4,072
Position transferred from State Planning Office to perform work more appropriately done in this office.	
Bureau of Public Improvements	
Buildings and Grounds Operations	
All Other	65,320
Provides additional funds for the State Office Building fuel account.	
Legislative Department	
Apportionment Commission	
All Other	3,000
Provides additional funds necessary for completion of report.	

Department of Attorney General	
All Other	11,500
Provides additional funds for defense of Indian claims litigation.	
Treasury Department	
Debt Service	
All Other	995,000
Provides additional funds to meet increased debt obligations resulting from the issuing of 10-year bonds instead of 20-year bonds.	
Department of Agriculture	
Consumer Services	
Dog Licensing Program	
All Other	50,000
Provides additional funds for boarding costs of dogs as required by law.	
Department of Mental Health and Corrections	
Augusta Mental Health Institute	
All Other	73,169
Provides funds for payment of 2 judgments against the State.	
State Board of Assessment Review	
All Other	2,000
Provides funds for expenses of the board.	
TOTAL SECTION 1.	
	<u>\$1,199,989</u>

Sec. 2. 12 MRSA § 1015, sub-§ 2, as enacted by PL 1975, c. 764, § 3, is amended to read:

2. **Tax rate.** The excise tax on parcels of softwood forest land shall be ~~56¢~~ 28¢ per acre for the year ~~1976~~ 1977. The excise tax on parcels of mixed wood forest land shall be ~~28¢~~ 14¢ per acre for the year ~~1976~~ 1977.

Sec. 3. **Appropriation.** There is appropriated from the General Fund for the year ending June 30, 1977, the sum of \$1,291,944 to be credited to the Budworm Suppression Fund and to be expended by the Department of Conservation, Bureau of Forestry, for spruce budworm suppression and control. Any unexpended balance of this appropriation and funds previously appropriated by the private and special laws of 1973, chapter 194, and the public laws of 1975, chapters 162 and 764, shall not lapse, but shall remain a continuing carrying account for these purposes. The breakdown shall be as follows:

APPROPRIATIONS
FROM
GENERAL FUND
1976-77

DEPARTMENT OF CONSERVATION

Spruce Budworm Control
Unallocated \$1,291,944

Sec. 4. **Appropriation.** There is appropriated from the General Fund for the year ending June 30, 1977, to the Department of Conservation, Bureau of Forestry, the sum of \$100,000 to be credited to the Budworm Suppression Fund to be expended by the Bureau of Forestry to provide for research grants pursuant to the Revised Statutes, Title 12, section 1027. These funds shall not lapse, but shall remain a continuing carrying account for these purposes. The breakdown shall be as follows:

APPROPRIATIONS
FROM
GENERAL FUND

1976-77

DEPARTMENT OF CONSERVATION

Spruce Budworm Control
Unallocated \$ 100,000

TOTAL GENERAL FUND —

SECTIONS 3 and 4 \$1,391,944

Sec. 5. 12 MRSA § 1024, sub-§ 6, is enacted to read:

6. **Report.** He shall each year after the completion of a spray program make a complete financial review of such program, and make a full report to the next session of the Legislature. Such report shall include, but not be limited to, source of funding, private, state or federal, and total expenditures broken down in the following categories: Chemicals, aircraft, research and other appropriate categories. Also to be included shall be a statement of any remaining balance by source, private, state and federal.

Sec. 6. PL 1973, c. 628, § 20, last sentence, as enacted by P & SL 1973, c. 220, § 2, is repealed as follows:

~~Any balance remaining June 30, 1974 shall not lapse but shall be carried forward to be expended for the same purposes~~

Sec. 7. P & SL 1975, c. 78, § 19, last ¶ under the caption "ENVIRONMENTAL PROTECTION," as enacted by P & SL 1975, c. 147, Pt. C, § 19, is amended to read:

Any unencumbered balance remaining June 30, 1976 shall not lapse but shall carry forward to June 30, ~~1977~~ 1979 to be expended for the same purpose.

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

Effective April 28, 1977

CHAPTER 106

AN ACT to Make the Lobster Fund a Continuing Account and to Transfer \$10,000 from the Boat Fund to the Lobster Fund.

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

Whereas, the special session of the 107th Legislature changed the law to allow the unexpended surplus in the Lobster Fund to be transferred to the Boat Fund at the end of the calendar year; and

Whereas, that change in law has proven to be detrimental to the lobster restocking program; and

Whereas, the Lobster Fund of the Department of Marine Resources does not contain sufficient funds to purchase seed lobsters required for restocking Maine waters this summer; and

Whereas, such restocking is essential to maintain lobster population levels in the future; and

Whereas, the 90-day period prior to Acts becoming effective may not terminate until after the optimum restocking period; 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. 12 MRSA § 4404, sub-§ 6, as repealed and replaced by PL 1975, c. 714, is repealed and the following enacted in its place:

6. Lobster Fund. Five dollars of each license fee received for lobster and crab fishing licenses shall be allocated to the Lobster Fund as heretofore established as follows.

A. Five dollars of each lobster and crab fishing license fee shall be allocated to the Lobster Fund which shall be used for the purpose of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters.