MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

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FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1997

CHAPTER 88

H.P. 31 - L.D. 56

An Act to Increase the Fee That May Be Assessed against a Prisoner to Help Defray the Costs of Incarceration

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

Sec. 1. 17-A MRSA §1341, sub-§1, as amended by PL 1989, c. 375, is further amended to read:

1. Assessment. When a person is sentenced to incarceration in a county jail, the sentencing court shall consider and may assess as part of the sentence a reimbursement fee to help defray the expenses of the offender's room and board. The fee may not exceed the cost of incarcerating the offender or ~~$20~~ $80 per day, whichever is less. Any reimbursement fee assessed ~~shall~~ must be collected by the county treasurer of the county in which the offender is incarcerated, paid into the treasury of that county and credited to the county responsible for paying for the incarceration of the offender.

See title page for effective date.

CHAPTER 89

H.P. 63 - L.D. 88

An Act to Clarify That a Town's Mooring Ordinance May Grandfather Existing Commercial or Noncommercial Moorings

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

Sec. 1. 38 MRSA §7, as repealed and replaced by PL 1987, c. 655, §5, is amended to read:

§7. Relation to other laws

Nothing in this subchapter may be construed to be a limitation on the authority of municipalities to enact ordinances to regulate the assignment or placement of moorings and other activities in their harbors. These ordinances may include, but ~~need~~ are not ~~be~~ limited to: A process for assigning mooring privileges and determining the location of moorings; a waiting list for the assignment of mooring privileges; a fee schedule; construction standards for moorings; time limits on the mooring of vessels; a process for appeals from decisions of the harbor master; provisions that recognize that mooring privileges in lawful existence on the effective date of an ordinance may be preserved or continued after adoption of that ordinance, the location and use to be determined by the harbor master or other appropriate local authority; and provisions ~~which~~ that establish a harbor commission or committee to administer the ordinance or ordinances and oversee the duties of the harbor master. Regulations adopted by the municipal officers under section 2 ~~shall~~ remain in effect unless the municipality's legislative body enacts an ordinance pertaining to the same matter pursuant to the Constitution of Maine, Article VIII, Part 2, and Title ~~30~~ 30-A, section ~~1917~~ 3001.

See title page for effective date.

CHAPTER 90

H.P. 96 - L.D. 120

An Act to Transfer the Authority for Fixed Assets Inventory

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

Sec. 1. 5 MRSA §1541, sub-§14 is enacted to read:

14. Fixed assets. To maintain an official statewide system for fixed assets for all state agencies to update and reconcile annually.

Sec. 2. 5 MRSA §1742, sub-§10 is repealed.

See title page for effective date.

CHAPTER 91

H.P. 289 - L.D. 353

An Act to Improve Management in the Elver Fishery

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

Sec. 1. 12 MRSA §6001, sub-§13-G, as enacted by PL 1995, c. 536, Pt. A, §1, is amended to read:

13-G. Elver fyke net. "Elver fyke net" means a fyke net that is 30 feet or less in length from cod end to ~~shore side~~ either wing tip ~~and that,~~ is fitted with netting that measures 1/8 inch bar mesh ~~square measure~~ or less and that contains a 1/2-inch bar mesh excluder panel that covers the entrance of the net.