

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

I. A person violates section 1103 or 1106 and, at the time of the offense, the person trafficks in or furnishes heroin in a quantity of 6 grams or more or 270 or more individual bags, folds, packages, envelopes or containers of any kind containing heroin.

Sec. I-6. 17-A MRSA §1106, sub-§3, ¶B, as amended by PL 1999, c. 453, §11, is further amended to read:

B. Seven grams or more of cocaine or 2 grams or more of cocaine in the form of cocaine base;
or

Sec. I-7. 17-A MRSA §1106, sub-§3, ¶C, as amended by PL 1999, c. 422, §7 and as repealed by PL 1999, c. 453, §12, is repealed.

PART J

Sec. J-1. 15 MRSA §3203-A, sub-§5, first ¶, as repealed and replaced by PL 1999, c. 127, Pt. A, §32 and c. 260, Pt. A, §5, is repealed and the following enacted in its place:

5. Detention hearing. Upon petition by a juvenile caseworker who ordered the detention or an attorney for the State who ordered the detention, the Juvenile Court shall review the decision to detain a juvenile within 24 hours following the detention, excluding Saturday, Sunday and legal holidays.

PART K

Sec. K-1. PL 1999, c. 271, §3 is enacted to read:

Sec. 3. Application. That section of this Act that amends the Maine Revised Statutes, Title 24-A, section 2902, subsection 2 applies to all policies of personal automobile insurance issued or renewed in this State on or after July 1, 2000.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective June 23, 1999, unless otherwise indicated.

CHAPTER 532

S.P. 859 - L.D. 2257

An Act to Update the Statutes of the Maine Conservation Corps

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

Sec. 1. 26 MRSA §§2181 to 2186, as enacted by PL 1993, c. 410, Pt. O, §4, are amended to read:

§2181. Maine Conservation Corps Program

There is established in the ~~jobs training work-~~force development center administrative office in the Department of Labor the Maine Conservation Corps, referred to in this chapter as the "Corps," to provide job training, ~~conservation~~ education and work opportunities for the economically disadvantaged, to improve public property for the increased use and enjoyment of the public, to provide conservation education, to promote and manage volunteer opportunities related to natural resources and to assist public and nonprofit organizations with projects that serve a valid public purpose and have purposes consistent with this subchapter.

§2182. Participants

~~Participants in the Corps must be economically disadvantaged. The Corps shall strive to include a diversity of participants. Individuals are eligible to participate if their Priority must be given to those whose family income is 150% or less of the nonfarm income official poverty line as defined by the federal Office of Management and Budget as revised annually in accordance with the United States Omnibus Budget Reconciliation Act of 1981, Section 673, Subsection 2. Priority must be given and to those who are economically disadvantaged as defined by the United States Job Training Partnership Act, Subchapter II, Public Law 97-300. A person is not eligible if that person has left employment or a secondary school for the purpose of participating in this program. Corps members may be jointly enrolled in any state or local job training program or human resource development program. Corps members enrolled in the Job Training Partnership program must be enrolled in that program by the service delivery area responsible for the county of residence of the enrollee pursuant to voluntary agreements entered into between the Corps and the service delivery areas.~~

§2183. Projects

1. Types of projects. Projects undertaken by the Corps include, but are not limited to, projects such as:

- A. Forestry, nursery and silvicultural operations;
- B. Wildlife habitat conservation, rehabilitation and improvement;
- C. Recreational area development, management and improvement;
- D. Energy conservation projects;

E. Fish culture and habitat maintenance and improvement and other fisheries or marine resource assistance;

F. Trail and campsite development and improvement;

G. Insect, disease, rodents and fire prevention and control;

H. Erosion, flood, drought and storm damage assistance and control; ~~and~~

I. Reclamation and improvement of lands disturbed by erosion, mining or other adverse natural or human-made actions; ~~and~~

J. Environmental education programs.

2. Eligible sponsors. All projects must be undertaken and operated under the sponsorship and cooperation of a public ~~landowning~~ agency or a nonprofit organization. A sponsoring public agency or organization shall contribute to a project by, at a minimum, providing tools, supplies, equipment and technical supervision and plans necessary for project completion.

3. Additional criteria. Projects must be of lasting and worthwhile significance to the people of the State or otherwise serve a valid public purpose; and provide meaningful work or service experience to the enrollees ~~and be labor intensive.~~

§2184. Limitations

Projects to be carried out by the Corps are limited to projects on publicly owned lands or, if not on public lands, under the sponsorship and supervision of a public agency or nonprofit organization.

§2185. Administration

The executive director of the ~~job training work-force development center~~ administrative office shall employ a director of the Corps in the job training administrative office and may employ other personnel as are required to accomplish the purposes of this chapter.

The Director of the Maine Conservation Corps shall work with other agencies and organizations to design the program to provide maximum volunteer and work opportunities, job skills training, education, improvements to publicly owned property and assistance with projects conducted by public agencies and nonprofit organizations.

The director shall work with state and local job training agencies, including other service delivery areas and the job service, which ~~shall~~ may conduct recruitment and referral of individuals interested in

participating in the Corps. Agency collaboration with the Corps is on a voluntary basis.

There is established a dedicated account for the use of the Corps. This account must be used to receive funds contributed by private and public agencies, organizations or individuals and to expend those funds to promote the purposes of this chapter. Notwithstanding any other provisions of law, state agencies may transfer money appropriated from the General Fund into this account for purposes of contributing to projects, services or volunteer stipends that benefit the contributing agency. The Corps may enter into an agreement with a private nonprofit organization designated by the executive director of the workforce development center for the purpose of assisting with the management and operation of the Maine Conservation Corps. The designated organization may accept federal and state funds and private contributions, directly or through the Corps, for the purpose of developing and operating programs of the Corps.

§2186. Corps members

Members of the Corps who are paid wages or a living allowance through the General Fund account of the Corps or through its dedicated account must receive personal liability insurance and workers' compensation insurance, and those who meet the income guidelines in section 2182 must be compensated at least the minimum wage ~~and must receive personal liability insurance and workers' compensation insurance~~ or an annualized living allowance of at least 75% of the minimum wage times 2,080. Notwithstanding other state laws, Corps members are not ~~deemed~~ considered employees of the State for the purposes of Title 5, chapter 101.

Sec. 2. 26 MRSA c. 34, sub-c. II is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER II

STATE ENVIRONMENTAL RESOURCE VOLUNTEER EFFORT

Sec. 3. 26 MRSA §§2191, 2192, 2193 and 2195, as enacted by PL 1993, c. 410, Pt. O, §4, are amended to read:

§2191. State Environmental Resource Volunteer Effort Program created

There is established within the Corps the State Environmental Resource Volunteer Effort Program, referred to in this subchapter as "SERVE/Maine," to create, promote and manage volunteer and intern opportunities with public agencies that are responsible

for protecting, developing, managing or preserving the State's natural resources.

§2192. Volunteer insurance

The State Environmental Resource Volunteer Effort Program must ensure that volunteers are covered by workplace injury and liability insurance.

§2193. Types of volunteer or intern services

Volunteers and interns may perform work and services that are described in section 2183. Volunteers and interns must be placed in federal, state or local public agencies or in nonprofit organizations and perform work or services that benefit the public. The volunteer and intern positions must be sponsored by natural resource-related agencies or organizations. Volunteers or interns may not attempt to influence legislation, engage in protests, petitions, boycotts, strikes, union organizing, political campaigning or support religious activities or religious proselytizing or engage in fund raising for private nonprofit organizations as SERVE/Maine volunteers or interns. A sponsoring agency must contribute to a volunteer or intern position by providing all necessary supervision, supplies, equipment and plans required for the position.

§2195. Monetary contributions to the volunteer and intern program

Private organizations and individuals may donate money to the State Environmental Resource Volunteer Effort Program for general or specific purposes. The funds must be expended to further the purposes of the program.

See title page for effective date.

CHAPTER 533

H.P. 1615 - L.D. 2258

An Act to Improve Financing Opportunities for the Cranberry Industry

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

Whereas, the cranberry industry is recognized as an important, emerging agricultural industry in the State of Maine; and

Whereas, new cranberry operations do not produce income for up to 4 years; and

Whereas, construction for the cranberry season is seasonal, ending in the fall; and

Whereas, conventional financing of cranberry operations is difficult to obtain; 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. 7 MRSA §435, sub-§2, ¶F is enacted to read:

F. Notwithstanding paragraphs A and B, an agricultural marketing loan for any cranberry project under this subchapter may not exceed 90% of the project cost. A loan from the fund may not be provided for such a project unless the applicant demonstrates a commitment of private funds of at least 10% of the total cost of the project; except that, in order to encourage the undertaking of cooperative projects by 2 or more agricultural enterprises, an agricultural marketing loan for any cranberry project may not be provided unless the cooperating agricultural enterprises as a group demonstrate a commitment of private funds of at least 5% of the total cost of the project. Any loan granted under this paragraph may not exceed \$100,000.

Loans made pursuant to this paragraph may be used only for the following purposes: to provide assistance to enterprises in this State for the design, construction, implementation or improvement of facilities to grow, harvest, process or market cranberries; or for the construction, renovation or acquisition of land, buildings, equipment, vines, docks, wharves, piers or vessels used in connection with a commercial cranberry enterprise. Repayment of these loans and interest on these loans must be credited to the fund and must be available for making additional loans for the same purposes. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of the authority.

The commissioner may defer principal and interest payments up to 4 years for the loan amount under this paragraph.

Disbursements under this paragraph may be made during the construction phase of the project.

Approval of loans under this paragraph is subject to the same credit criteria and conditions used for