

MAINE STATE LEGISLATURE

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(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2077

S.P. 770

In Senate, February 13, 1984

Reference to the Committee on Audit and Program Review. Ordered printed and sent down for concurrence.

Submitted pursuant to the Revised Statutes, Title 3, chapter 23.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-FOUR

**AN ACT Relating to Periodic Justification
of Departments and Agencies of State Government
under the Maine Sunset Laws.**

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 agencies will become due and payable on or immediately after July 1, 1984; and

Whereas, certain independent agencies will terminate unless continued by the Legislature prior to June 30, 1984; and

- 1 (1) Maine Sardine Council;
- 2 (2) Atlantic Sea Run Salmon Commission;
- 3 (3) Public Utilities Commission;
- 4 (4) State Development Office;
- 5 (5) Office of Energy Resources;
- 6 (6) Atlantic States Marine Fisheries Com-
- 7 mission;
- 8 (7) Maine Development Foundation;
- 9 (8) Board of Directors, Maine Municipal and
- 10 Rural Electrification Cooperative Agency;
- 11 (9) State Energy Resource Advisory Board;
- 12 (10) Low-level Waste Siting Commission;
- 13 (11) Lobster Advisory Council; and
- 14 (12) State Board of Examiners of Psycholo-
- 15 gists.

16 Sec. 2. 3 MRSA §507, sub-§7, as amended by PL
17 1983, c. 553, §46, is repealed and the following en-
18 acted in its place:

19 7. Group D-1 and D-2 departments.

20 A. The evaluations and analyses of the justifi-
21 cation reports for the programs of the following
22 Group D-1 departments shall be reviewed by the
23 Legislature no later than June 30, 1986:

24 (1) Department of Business, Occupational
25 and Professional Regulation; and

26 (2) Department of Educational and Cultural
27 Services.

28 B. The evaluations and analyses of the justifi-
29 cation reports for the programs of the following
30 Group D-2 departments shall be reviewed by the
31 Legislature no later than June 30, 1987:

1 (1) Board of Trustees of the University of
2 Maine; and

3 (2) Board of Trustees of the Maine Maritime
4 Academy.

5 Sec. 3. 3 MRSA §507, sub-§§8 and 9, as repealed
6 and replaced by PL 1979, c. 654, §3, are repealed and
7 the following enacted in their place.

8 8. Group D-1 and D-2 independent agencies.

9 A. Unless continued or modified by law, the fol-
10 lowing Group D-1 independent agencies shall ter-
11 minate, not including the grace period, no later
12 than June 30, 1986:

13 (1) Board of Directors of Energy Testing
14 Laboratory of Maine;

15 (2) Advisory Committee on Maine Public
16 Broadcasting;

17 (3) State Government Internship Program Ad-
18 visory Committee;

19 (4) State Historian;

20 (5) Historic Preservation Commission;

21 (6) Maine State Commission on the Arts and
22 the Humanities; and

23 (7) Maine Historical Society.

24 B. Unless continued or modified by law, the fol-
25 lowing Group D-2 independent agencies shall ter-
26 minate, not including the grace period, no later
27 than June 30, 1987:

28 (1) Real Estate Commission;

29 (2) Maine Athletic Commission;

30 (3) Electricians' Examining Board;

31 (4) State Claims Board;

- 1 (5) Oil and Solid Fuel Board;
- 2 (6) Board of Examiners on Speech Pathology
3 and Audiology;
- 4 (7) State Board of Social Worker Registra-
5 tion;
- 6 (8) Board of Accountancy;
- 7 (9) Arborist Examining Board;
- 8 (10) Maine State Board for Registration of
9 Architects and Landscape Architects;
- 10 (11) Board of Examiners for the Examination
11 of Applicants for Admission to the Bar;
- 12 (12) State Board of Barbers;
- 13 (13) State Board of Cosmetology;
- 14 (14) Manufactured Housing Board;
- 15 (15) State Running Horse Racing Commission;
- 16 (16) Board of Registration of Substance
17 Abuse Counselors;
- 18 (17) State Board of Registration for Pro-
19 fessional Foresters;
- 20 (18) State Board of Certification for
21 Geologists and Soil Scientists;
- 22 (19) Board of Examiners in Physical
23 Therapy;
- 24 (20) Maine Criminal Justice Planning and
25 Assistance Agency;
- 26 (21) Maine Vocational Development Commis-
27 sion;
- 28 (22) Post-secondary Education Commission of
29 Maine; and

1 (23) Maine Occupational Information Coordi-
2 nating Committee.

3 9. Group E-1 and E-2 departments.

4 A. The evaluations and analyses of the justifi-
5 cation reports for the programs of the following
6 Group E-1 departments shall be reviewed by the
7 Legislature no later than June 30, 1988:

8 (1) Maine State Retirement System;

9 (2) Department of Attorney General;

10 (3) Department of Personnel; and

11 (4) Department of Labor.

12 B. The evaluations and analyses of the justifi-
13 cation reports for the programs of the following
14 Group E-2 departments shall be reviewed by the
15 Legislature no later than June 30, 1989:

16 (1) Department of Finance and Administra-
17 tion;

18 (2) (Office of) Treasurer of State; and

19 (3) Department of Audit.

20 Sec. 4. 3 MRSA §507, sub-§10, as amended by PL
21 1983, c. 579, §2, is repealed and the following en-
22 acted in its place:

23 10. Group E-1 and E-2 independent agencies.

24 A. Unless continued or modified by law, the fol-
25 lowing Group E-1 independent agencies shall ter-
26 minate, not including the grace period, no later
27 than June 30, 1988:

28 (1) Board of Trustees, Group Accident and
29 Sickness or Health Insurance;

30 (2) Maine Commission for Women;

31 (3) Maine Human Rights Commission;

- 1 (4) Maine Labor Relations Board;
- 2 (5) Governor's Office of State Employee Re-
- 3 lations;
- 4 (6) State Personnel Board;
- 5 (7) Educational Leave Advisory Board; and
- 6 (8) Workers' Compensation Commission.

7 B. Unless continued or modified by law, the fol-
8 lowing Group E-2 independent agencies shall ter-
9 minate, not including the grace period, no later
10 than June 30, 1989. The Board of Emergency Munic-
11 ipal Finance, the Finance Authority of Maine and
12 the Maine Municipal Bond Bank shall not termi-
13 nate, but shall be reviewed by the Legislature no
14 later than June 30, 1989:

- 15 (1) Board of Emergency Municipal Finance;
- 16 (2) Finance Authority of Maine;
- 17 (3) Maine Municipal Bond Bank;
- 18 (4) Municipal Valuation Appeals Board;
- 19 (5) Land Classification Appeals Board;
- 20 (6) State Liquor Commission;
- 21 (7) Capitol Planning Commission;
- 22 (8) State Board of Assessment Review; and
- 23 (9) Maine Health Care Finance Commission.

24 Sec. 5. 3 MRSA §507-A, as enacted by PL 1979, c.
25 338, §3, is amended by adding at the end a new para-
26 graph to read:

27 Given reasonable cause, the joint standing com-
28 mittee of the Legislature having jurisdiction over
29 audit and program review may review any aspect or el-
30 ement of any department or independent agency sched-
31 uled for review under this chapter when the committee
32 deems it necessary.

1 Sec. 6. 3 MRSA §507-B, sub-§§5 and 6 are enacted
2 to read:

3 5. Agencies scheduled for termination on June
4 30, 1984. Pursuant to section 507, subsection 6, par-
5 agraph A, the following agencies, scheduled for ter-
6 mination on June 30, 1984, are continued or modified
7 by an Act of the Legislature passed prior to June 30,
8 1984:

9 A. Agency continued without modification:

10 (1) Keep Maine Scenic Committee.

11 B. Agency continued as modified by an Act of the
12 Legislature:

13 (1) Board of Certification of Water Treat-
14 ment Plant Operators.

15 6. Agencies scheduled for termination on June
16 30, 1984. The following agencies, scheduled for ter-
17 mination on June 30, 1984, pursuant to section 507,
18 subsection 6, paragraph A, shall continue, but shall
19 terminate, not including the grace period, no later
20 than June 30, 1985, unless continued or modified by
21 law:

22 A. Saco River Corridor Commission; and

23 B. State Soil and Water Conservation Commission.

24 Sec. 7. 5 MRSA §711, sub-§2, ¶A, as amended by
25 PL 1983, c. 349, §2; c. 480, §3; c. 489, §4; and c.
26 566, §1, is repealed and the following enacted in its
27 place:

28 A. The following positions in the following de-
29 partments are major policy-influencing positions.
30 These positions and their successor positions
31 shall be subject to this subsection, notwith-
32 standing any other provision of law:

33 (1) Department of the Attorney General:

34 (a) Deputy Attorneys General; and

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- (b) Assistant Attorneys General;
- (1-A) Department of Agriculture, Food and Rural Resources:
 - (a) Deputy Commissioners;
 - (b) Associate Commissioner for Policy Development;
 - (c) Director, Bureau of Agricultural Productions;
 - (d) Director, Bureau of Agricultural Marketing;
 - (e) Director, Bureau of Agricultural and Rural Resources;
 - (f) Director, Bureau of Public Services; and
 - (g) Assistant to the Commissioner for Public Information;
- (2) Department of Business, Occupational and Professional Regulation:
 - (a) Superintendent, Bureau of Banking;
 - (b) Superintendent, Bureau of Consumer Credit Protection;
 - (c) Superintendent, Bureau of Insurance; and
 - (d) Assistant to the Commissioner;
- (3) Department of Conservation:
 - (a) Director, Administrative Services;
 - (b) Deputy Commissioner;
 - (c) Director, Bureau of Forestry;
 - (d) Director, Maine Geological Survey;

1 (e) Executive Director, Maine Land Use
2 Regulation Commission;

3 (f) Director, Bureau of Parks and
4 Recreation;

5 (g) Director, Bureau of Public Lands;

6 (h) Forest Insect Manager, Bureau of
7 Forestry;

8 (i) Assistant to the Commissioner for
9 Public Information; and

10 (j) Assistant to the Commissioner;

11 (4) Department of Educational and Cultural
12 Services:

13 (a) Assistant to the Commissioner;

14 (b) Deputy Commissioner;

15 (c) Associate Commissioner, Bureau of
16 School Management;

17 (d) Associate Commissioner, Bureau of
18 Instruction;

19 (e) Associate Commissioner, Bureau of
20 Vocational Education;

21 (f) Director, Planning and Management
22 Information; and

23 (g) Federal and State Education Pro-
24 gram Coordinator;

25 (4-A) Department of Environmental Protec-
26 tion:

27 (a) Deputy Commissioner; and

28 (b) Assistant to the Commissioner;

29 (5) Department of Finance and Administra-
30 tion:

- 1 (a) State Controller;
2 (b) State Purchasing Agent;
3 (c) State Tax Assessor;
4 (d) Director, Bureau of Public Im-
5 provements;
6 (e) Director, Bureau of Alcoholic Bev-
7 erages;
8 (f) State Budget Officer;
9 (g) Assistant to the Commissioner; and
10 (h) Director, Risk Management;
11 (6) Department of Human Services:
12 (a) Deputy Commissioners;
13 (b) Director, Bureau of Maine's Elder-
14 ly;
15 (c) Director, Bureau of Resource De-
16 velopment;
17 (d) Director, Bureau of Health;
18 (e) Director, Bureau of Rehabilita-
19 tion;
20 (f) Director, Bureau of Income Mainte-
21 nance;
22 (g) Director, State Health Planning
23 and Development Agency; and
24 (h) Director, Bureau of Medical Ser-
25 vices;
26 (7) Maine Human Rights Commission:
27 (a) Executive Director; and
28 (b) Chief Compliance Officer;

1 (8) Department of Inland Fisheries and
2 Wildlife:

3 (a) Deputy Commissioner;

4 (b) Game Warden Colonel;

5 (c) Assistant to the Commissioner for
6 Public Information; and

7 (d) Assistant to the Commissioner;

8 (9) Maine State Lottery Commission:

9 (a) Deputy Director;

10 (10) Department of Labor:

11 (a) Director, Maine Job Training Coun-
12 cil;

13 (b) Director, Bureau of Labor Stan-
14 dards;

15 (c) Executive Director, Maine Labor
16 Relations Board;

17 (d) Assistant to the Commissioner;

18 (e) Assistant to the Commissioner for
19 Public Information;

20 (f) Director, Planning and Program
21 Services;

22 (g) Executive Director, Bureau of Em-
23 ployment Security;

24 (h) Executive Secretary, Maine Occupa-
25 tional Information Coordinating Commit-
26 tee; and

27 (i) Executive Director, Bureau of Em-
28 ployment and Training Programs;

29 (11) Department of Marine Resources:

- 1 (a) Deputy Commissioner;
- 2 (b) Chief, Bureau of Marine Patrol;
3 and
- 4 (c) Assistant to the Commissioner;
- 5 (12) Department of Mental Health and Mental
6 Retardation:
- 7 (a) Associate Commissioner;
- 8 (b) Director, Bureau of Mental Health;
- 9 (c) Superintendent, Augusta Mental
10 Health Institute;
- 11 (d) Superintendent, Bangor Mental
12 Health Institute;
- 13 (e) Director, Bureau of Mental Retar-
14 dation;
- 15 (f) Superintendent, Pineland Center;
16 and
- 17 (g) Director, Bureau of Corrections;
- 18 (13) Department of Defense and Veterans'
19 Services:
- 20 (a) Deputy Adjutant General;
- 21 (b) Director, Bureau of Civil Emergen-
22 cy Preparedness; and
- 23 (c) Director, Bureau of Veterans' Ser-
24 vices;
- 25 (14) Department of Public Safety:
- 26 (a) Chief, Bureau of State Police;
- 27 (b) Director, Bureau of Liquor En-
28 forcement;
- 29 (c) Director, Office of State Fire
30 Marshal;

1 (d) Director, Maine Criminal Justice
2 Academy;

3 (e) Assistant to the Commissioner for
4 Public Information;

5 (f) Assistant to the Commissioner; and

6 (g) Two Deputy Chiefs, State Police;

7 (15) Department of Secretary of State:

8 (a) Deputy Secretaries of State; and

9 (b) State Archivist;

10 (16) Department of Transportation:

11 (a) Deputy Commissioners;

12 (b) Chief Counsel, Bureau of Legal
13 Services;

14 (c) Assistant to the Commissioner; and

15 (d) Assistant to the Commissioner for
16 Public Information; and

17 (17) Department of Personnel:

18 (a) Assistant to the Commissioner; and

19 (b) Director, Planning and Operations.

20 Sec. 8. 5 MRSA §1091, sub-§4-A is enacted to
21 read:

22 4-A. Spruce budworm suppression project person-
23 nel. Project personnel hired for a suppression
24 project authorized by Title 12, chapter 803, subchap-
25 ter IV-A, are eligible, but may choose to decline
26 membership for the term of their employment as
27 project personnel. For purposes of this section,
28 "project personnel" means only those personnel, not
29 already members of the system, hired solely for a
30 planned work program to be completed within a speci-
31 fied limited period of time and which is not of a

1 seasonal nature, as defined by the Personnel Law. Em-
2 ployment as project personnel under this subsection
3 shall not be considered prior service for the pur-
4 poses of section 1094, subsection 1.

5 Sec. 9. 12 MRSA §557, as amended by PL 1979, c.
6 683, §1, is further amended to read:

7 §557. Public Lands Management Fund

8 1. Public Lands Management Fund. To accomplish
9 the purposes of this chapter, there is established a
10 Public Lands Management Fund. All income received by
11 the Bureau of Public Lands pursuant to section 553,
12 subsection 3, paragraph E, ~~excepting income from the~~
13 ~~public reserved lots,~~ shall be recorded on the books
14 of the State in a separate account and shall be de-
15 posited with the Treasurer of State, to be credited
16 to the Public Lands Management Fund.

17 2. Expenditure of funds. All moneys credited to
18 the Public Lands Management Fund shall be used to
19 produce a sustained yield of goods and services from
20 such lands for multiple use purposes in accordance
21 with the principles of sound planning and sound busi-
22 ness practice and for no other purpose. ~~So much of~~
23 ~~the funds raised from income designated in subsection~~
24 ~~1 and paid into the treasury as may be necessary to~~
25 ~~pay the claims, accounts and lawful demands arising~~
26 ~~under this chapter is appropriated to pay the same,~~
27 ~~and the Director of the Bureau of Public Lands shall~~
28 ~~authorize the State Comptroller to draw his warrant~~
29 ~~therefor at any time. Any balance remaining shall~~
30 ~~continue from year to year as a fund available for~~
31 ~~the purposes set out in this section and for no other~~
32 ~~purpose.~~

33 3. Compensation to municipalities. Notwithstand-
34 ing the other provisions of this section, 25% of the
35 net revenues from any public lands, excluding sub-
36 merged lands, public reserved lands and lands held
37 under section 560, and excluding proceeds from the
38 sale of land, located in municipalities and managed
39 by the Bureau of Public Lands, other than public re-
40 served lands, shall be returned by the Treasurer of
41 State to the municipality wherein the land generating
42 the income is located, to be used for municipal pur-

1 poses. With respect to those public reserved lands
2 which were located in townships or tracts organized
3 into plantations as of March 1, 1974, when any such
4 plantation, subsequent to that date, becomes incorpor-
5 ated into a town, 75% of any income from residential
6 leasehold camps and 25% of any other income from such
7 public reserved land shall be returned by the Treas-
8 urer of State to the municipality wherein such pub-
9 lic reserved land is located, to be used for municipi-
10 pal purposes. With respect to stumpage income from
11 timber located on public reserved lands and leased
12 pursuant to Title 30, section 4162, subsection 4,
13 paragraph L, 50% of the income shall be returned by
14 the Treasurer of State to the lessee for its own pur-
15 poses. The director may approve the handling of in-
16 come from sales or permits for up to \$500 by the les-
17 sees. The lessees shall submit a semiannual account-
18 ing of this income and payment for the state's share
19 of the income.

20 4. Legislative approval of budget. Expenditures
21 from the Public Lands Management Fund are subject to
22 legislative approval in the same manner as appropria-
23 tions from the General Fund. The joint standing com-
24 mittee having jurisdiction over appropriations shall
25 approve the allocation.

26 Sec. 10. 12 MRSA §558, as enacted by PL 1979, c.
27 545, §2, is repealed.

28 Sec. 11. 12 MRSA §558-A is enacted to read:

29 §558-A. Submerged and intertidal lands owned by the
30 State

31 1. Definitions. As used in this section, unless
32 the context otherwise indicates, the following words
33 have the following meanings.

34 A. "Occupying" refers to the total area of the
35 structure or alteration itself to the extent that
36 the area within its boundaries is directly upon
37 or over the state-owned lands.

38 B. "Permanent" means occupying submerged and
39 intertidal lands owned by the State during 7 or
40 more months during any one calendar year.

1 2. . Leases. The director may lease, for a term of
2 years not exceeding 30 and with conditions he deems
3 reasonable, the right to dredge, fill or erect permanent
4 causeways, bridges, marinas, wharves, docks,
5 pilings, moorings or other permanent structures on
6 submerged and intertidal land owned by the State.

7 A. For fill, permanent causeways, bridges,
8 marinas, wharves, docks, pilings, moorings or
9 other permanent structures:

10 (1) The director shall charge the lessee a
11 base rent that practically approximates the
12 fair market rental value of the land;

13 (2) The director may adjust the base rent,
14 decreasing it for desirable uses or increas-
15 ing it for undesirable ones. In determining
16 the desirability of uses, the director shall
17 consider the extent to which the use does
18 not impair the future use of the submerged
19 or intertidal land for fishing, fowling or
20 navigation, needs to be located on the sub-
21 merged land, and exploits natural renewable
22 resources of the water;

23 (3) The director may revalue rents every 5
24 years. For leases entered into before and
25 after July 1, 1984, rents shall not exceed
26 4¢ per square foot increased by 10% cumula-
27 tively for each year that has elapsed since
28 July 1, 1984, further adjusted by the cumu-
29 lative increase in the United States Consum-
30 er Price Index. Notwithstanding this limit,
31 if an appraisal of the value of the land un-
32 der a new or existing lease is performed,
33 the director may charge a rent based on
34 subparagraphs (1) and (2); and

35 (4) The director may also lease, for a pe-
36 riod of not more than 5 years, a buffer zone
37 of not more than 30 feet in width around a
38 permanent structure located on submerged or
39 intertidal land, provided the lease is nec-
40 essary to preserve the integrity and safety
41 of the structure and the Commissioner of Ma-
42 rine Resources consents to that lease.

1 B. For dredging, impounded areas and underwater
2 cables and pipelines, the director shall develop
3 such terms and conditions as he deems reasonable.

4 C. The director shall charge an administrative
5 fee of \$25 for each lease in addition to any
6 rent.

7 D. The director may establish a reasonable mini-
8 imum rent to which any lease is subject, but it
9 shall not exceed \$75 per year.

10 3. Easements. The director may grant, upon such
11 terms and conditions as he deems reasonable, but
12 without valuable consideration, except for a one-time
13 administrative fee of \$15, assignable easements for a
14 term of years not exceeding 30 for the use of sub-
15 merged and intertidal lands for the purposes permit-
16 ted in subsection 2, provided that that use:

17 A. Is for the exclusive benefit of the abutting
18 upland owner for charitable purposes as defined
19 in the United States Internal Revenue Code, Sec-
20 tion 501, (c) (3);

21 B. Occupies a total of not more than 500 square
22 feet of state-owned land for any lawful purpose;

23 C. Occupies a total of not more than 2,000
24 square feet of state-owned land for the exclusive
25 purpose of landing or processing shellfish,
26 finfish or other natural products of the sea or
27 for other activities directly related to the pur-
28 pose of landing or processing shellfish, finfish
29 or natural sea products, including fueling, load-
30 ing or selling these products; or

31 D. Is for harbor improvement by the Federal Gov-
32 ernment.

33 4. Adjustment of terms. The director may adjust
34 from time to time, consistent with the provision of
35 this section, conditions applicable to any leasehold
36 or easement entered into under this section in any
37 parcel of state-owned submerged or intertidal land.
38 Rent shall not be charged for leases entered into
39 prior to July 1, 1984, if the actual use of the

1 leased land is eligible for an easement under subsec-
2 tion 3.

3 5. Review of uses. The director shall review
4 from time to time, in the case of easements, the pur-
5 poses for which the land conveyed has actually been
6 used, and in the event any such purpose is found to
7 be inconsistent with the criteria set forth in sub-
8 section 3 for eligibility for an easement, the ease-
9 ment shall terminate and the director may enter into
10 a leasehold agreement with the holder of the easement
11 in accordance with subsection 2.

12 6. Constructive easements. In the event the di-
13 rector fails to take final action on an application
14 for an easement for a project eligible for such ease-
15 ment under subsection 3 within 30 days after receipt
16 of the application, an easement for a term of 30
17 years on the state-owned land directly underlying the
18 project shall be deemed to have been granted. The
19 owners of all structures actually upon submerged and
20 intertidal lands on October 1, 1975, shall be deemed
21 to have been granted such an easement.

22 7. Consultation. The director shall consult with
23 the Commissioner of Conservation, Commissioner of Ma-
24 rine Resources, Commissioner of Inland Fisheries and
25 Wildlife and such other agencies or organizations as
26 he deems appropriate in developing and implementing
27 terms, conditions and consideration for conveyances
28 under this section. Notwithstanding section 551, the
29 director may determine to make proprietary convey-
30 ances under this section solely on the basis of the
31 issuance of environmental or regulatory permits by
32 other appropriate state agencies.

33 8. Rules. The director shall promulgate whatever
34 rules are necessary and appropriate to administer
35 this section.

36 Sec. 12. 12 MRSA §560 is enacted to read:

37 §560. Lands provided by Governor Baxter

38 1. Designation. The Bureau of Public Lands is
39 designated as the agency of the State to receive such
40 sums as are from time to time paid to the State by

1 the trustee under clause THIRD of a certain inter
2 vivos trust dated July 6, 1927, as from time to time
3 amended, created by the late Percival Proctor Baxter
4 for the purchase of forest lands for recreational and
5 reforestation purposes and by said trustee and by the
6 trustees of the Baxter State Park Trust Fund created
7 by Private and Special Law 1961, chapter 21, for the
8 care, protection and operation of such lands so pur-
9 chased or otherwise acquired.

10 2. Acquisition. With the approval of the commis-
11 sioner and the Legislature, the bureau may purchase,
12 with the funds paid to it by the trustee named in
13 this section and with money realized by the sale of
14 timber in the manner provided, real property for rec-
15 reational and reforestation purposes. The bureau
16 shall hold the land in trust for the benefit of the
17 people of the State for development, improvement,
18 use, reforestation and scientific forestry and the
19 production and sale of timber. Title to the property
20 shall be approved by the Attorney General and shall
21 be taken in the name of the State.

22 3. Duties. The bureau shall protect property ac-
23 quired under this section against damage by insects,
24 fire and other hazards. The bureau shall devise a
25 plan for the management of each parcel.

26 4. Revenues. Revenues derived from the sale of
27 timber shall be used for the care, management and ex-
28 ension of property acquired under the authority of
29 this section.

30 Revenues derived from public-access fees shall be
31 used for the protection of the property from fire,
32 insects, disease and other hazards; maintenance of
33 the property; protection and safety of the public;
34 and salaries of personnel employed for these pur-
35 poses. The Treasurer of State shall annually return
36 25% of the revenues derived from these fees to the
37 municipality within which the property lies, to be
38 used for the maintenance of public ways and for pub-
39 lic education within the municipality. If any parcel
40 of the property lies within 2 or more municipalities,
41 the percentage shall be prorated among the municipal-
42 ities according to the acreage of the parcel in each
43 municipality. If any parcel of the property lies in

1 unorganized territory, the percentage shall be re-
2 turned to the county in which the parcel lies for
3 general county purposes. If any parcel of the land
4 lies partly within a municipality and partly within
5 unorganized territory, the percentage shall be pro-
6 rated between the municipality and the county accord-
7 ing to the acreage of the parcel in each municipali-
8 ty.

9 Sec. 13. 12 MRSA §602, sub-§16, as enacted by PL
10 1979, c. 637, is amended to read:

11 16. Forest management. The director may autho-
12 rize employees of the Department of Conservation to
13 harvest wood in state parks for the use of the bu-
14 reau. He may authorize wood harvesting by others only
15 when this cutting is required by deed conditions on
16 specific lots wood harvesting on state park lands for
17 the purposes of improving wildlife habitat, control-
18 ling insect infestation, reducing the risk of fire,
19 otherwise improving the health of timber stands and
20 improving the recreational or aesthetic quality of
21 the park lands. All cutting shall be subject to the
22 following restrictions:

23 A. The cutting may not unreasonably impair the
24 recreational use or natural values of the land;

25 B. The cutting shall be carried out in accord-
26 ance with a written management plan certified by
27 a registered professional Maine forester that is
28 available in the principal offices of the bureau
29 for public review and comment at least 60 days
30 prior to cutting; and

31 C. The cutting shall be consistent with the man-
32 agement objectives of the bureau; and

33 D. The cost of these timber management activi-
34 ties shall be paid from revenues received from
35 cutting. The balance of these receipts shall go
36 to the General Fund.

37 Sec. 14. 12 MRSA c. 204-A, as amended by PL
38 1975, c. 771, §135, is repealed.

39 Sec. 15. 12 MRSA §901, first ¶, as amended by PL
40 1983, c. 556, §3, is further amended to read:

1 All the lands in Townships 2, 3, 4, 5 and 6,
2 Range 9 W.E.L.S. and in Townships 3, 4, 5 and 6,
3 Range 10 W.E.L.S., Piscataquis County, and Township
4 6, Range 8 W.E.L.S., Penobscot County, that have been
5 donated and conveyed to the State of Maine in trust
6 by Percival Proctor Baxter and all lands in the Town-
7 ships 2, 3, 4, 5 and 6, Range 9 and in Townships 3,
8 4, 5 and 6, Range 10, and in Township 6, Range 8 and
9 all lands in Piscataquis and Penobscot Counties that
10 hereafter shall be donated and conveyed to the State
11 by Percival Proctor Baxter in trust for state forest,
12 public park and public recreational purposes are
13 named and shall hereafter be named "Baxter State
14 Park" in honor of the donor, and the same hereafter
15 shall forever be so designated on the official maps
16 and records of the State. They shall be under the
17 joint supervision and control of, and shall be admin-
18 istered by the ~~Director~~ Director of the Bureau of Forestry
19 Commissioner of Conservation, the Commissioner of In-
20 land Fisheries and Wildlife and the Attorney General,
21 and the ~~commissioner, director~~ commissioners and At-
22 torney General shall have full power in the control
23 and management of the same, under the title of Baxter
24 State Park Authority. The authority shall receive
25 moneys available from trust funds established by the
26 donor of the park and shall include fees collected,
27 income from park trust funds invested by the Treasur-
28 er of State and other miscellaneous income derived
29 from the park for maintenance and operation of the
30 park.

31 Sec. 16. 12 MRSA §§908 and 909 are enacted to
32 read:

33 §908. Maintenance of certain roads

34 The Department of Transportation may expend on
35 the unimproved portion of the Baxter State Park road,
36 so called, commencing at or near Millinocket Lake and
37 extending to Sourdahunk Field, and the unimproved
38 portion of the road which leads from Baxter State
39 Park road via Toque Ponds in Township 2, Range 9, to
40 its terminus on land of the State at Roaring Brook in
41 Township 3, Range 9, Piscataquis County, and the un-
42 improved portion of the road which begins at
43 Sourdahunk Field, T. 4, R. 10, Piscataquis County;
44 thence to Sourdahunk Lake, T. 5, R. 10; thence to

1 Dwelly Pond and McCarthy's, which is located on the
2 South Branch of Trout Brook; thence to the end of the
3 designated state aid road in T. 6, R. 8, Penobscot
4 County, also the road from the last mentioned road to
5 South Branch Lake in Township 5, Range 9, also the
6 road from the west line of Township 5, Range 10, said
7 west line being a portion of the west boundary of
8 Baxter State Park, to the intersection of said road
9 with the road from Dwelly Pond and McCarthy's to the
10 end of the designated state aid road in T. 6, R. 8,
11 Penobscot County, as much as shall be deemed neces-
12 sary for their maintenance, including bridges and
13 culverts, but not to exceed \$60,000 per year, some
14 portions of the roads described in this section being
15 private roads, open to the public.

16 This section shall not apply to those portions
17 for which other state aid may be available.

18 §909. Biennial report to the Legislature

19 The Baxter State Park Authority shall submit a
20 report to the Legislature on the first day of the
21 first regular session of each Legislature. The report
22 shall contain for the previous 2-year period a summa-
23 ry of the park's financial status, including income,
24 expenditures and the status of its various trust
25 funds; summary use data; and a description of the
26 park's major activities and problem areas.

27 Sec. 17. 12 MRSA c. 217, as amended, is re-
28 pealed.

29 Sec. 18. 12 MRSA §5012, first ¶, as enacted by
30 PL 1973, c. 460, §16, is amended to read:

31 The commissioner is the chief executive officer
32 of the Department of Conservation. He shall coordi-
33 nate and supervise the activities and programs of the
34 bureaus and agencies which are part of the depart-
35 ment; undertake comprehensive planning and analysis
36 with respect to the functions and responsibilities of
37 the department; and develop and implement, whenever
38 necessary, procedures and practices to promote econo-
39 my, efficiency and coordination in and between the
40 various agencies and bureaus of the department. He
41 shall reorganize or combine the bureaus of the de-

1 partment or the planning, operations and other func-
2 tions among the bureaus of the department as he deems
3 necessary to improve the efficiency of department
4 services. From time to time he shall recommend to the
5 Governor and Legislature such changes in the laws re-
6 lating to the organization, functions, services or
7 procedures of the agencies and bureaus of the depart-
8 ment as he shall deem desirable. The commissioner
9 shall prepare a budget for the department; and shall
10 organize and maintain within the department an admin-
11 istrative services division to which he may assign
12 personnel from the agencies and bureaus of the de-
13 partment.

14 Sec. 19. 12 MRSA §5012, 2nd and 3rd ¶¶, as en-
15 acted by PL 1977, c. 360, §18, are amended to read:

16 The commissioner shall have the power to appoint
17 a director of administrative services, a ~~director~~ of
18 planning and program services deputy commissioner and
19 bureau heads as shall be necessary for the proper
20 performance of the duties of the department.

21 The director of administrative services and the
22 ~~director of planning and program services~~ deputy
23 commissioner shall serve at the pleasure of the com-
24 missioner.

25 Sec. 20. 12 MRSA c. 702 is enacted to read:

26 CHAPTER 702

27 DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

28 §7011. Department established

29 There is established the Department of Inland
30 Fisheries and Wildlife to preserve, protect and en-
31 hance the inland fisheries and wildlife resources of
32 the State; to encourage the wise use of these re-
33 sources; to ensure coordinated planning for the fu-
34 ture use and preservation of these resources; and to
35 provide for effective management of these resources.

36 The department shall consist of a Commissioner of
37 Inland Fisheries and Wildlife, deputy commissioner,
38 Bureau of Administrative Services, Bureau of Resource

1 Management and Bureau of Warden Service. It shall
2 also include the Board of Examiners for the Licensing
3 of Guides, the Junior Maine Guides and Trip Leaders'
4 Curriculum Board and whatever state agencies which
5 shall be designated. The department shall be under
6 the control and supervision of the commissioner.

7 §7012. Bureau of Administrative Services

8 There shall be the Bureau of Administrative Ser-
9 vices within the Department of Inland Fisheries and
10 Wildlife. The bureau shall be equal in organizational
11 level and status with other major organizational
12 units within the department or its successors. The
13 bureau shall be administered by a director who is im-
14 mediately responsible to the deputy commissioner. The
15 director shall possess full authority and responsi-
16 bility for administering all the powers and duties of
17 the bureau, subject to the direction of the commis-
18 sioner and except as otherwise provided by statute.
19 The responsibilities of the bureau shall include, but
20 not be limited to:

21 1. Financial accounting. The financial account-
22 ing of all department revenues and expenditures, in-
23 cluding long-range financial planning and the prepara-
24 tion of annual and biennial budgets;

25 2. Personnel activities. The administration of
26 all personnel activities;

27 3. Licensing and registration. The administra-
28 tion and issuance of department licenses, stamps and
29 permits and the registration of snowmobiles, water-
30 craft and all-terrain vehicles;

31 4. Engineering. The design, maintenance and re-
32 pair of department-owned facilities, including the
33 preparation of a capital improvement plan to be
34 printed in the budget document;

35 5. Land acquisition. The acquisition and devel-
36 opment of land for the protection, preservation and
37 enhancement of the inland fisheries and wildlife re-
38 sources; and

1 6. Equipment inventory. The maintenance of a
2 current inventory of all department-owned or
3 department-managed property.

4 §7013. Bureau of Resource Management

5 There shall be the Bureau of Resource Management
6 within the Department of Inland Fisheries and Wild-
7 life. The bureau shall be equal in organizational
8 level and status with other major organizational
9 units within the department or its successors. The
10 bureau shall be administered by a director who is im-
11 mediately responsible to the deputy commissioner. The
12 director shall possess full authority and responsi-
13 bility for administering all the powers and duties of
14 the bureau, subject to the direction of the commis-
15 sioner and except as otherwise provided by statute.
16 The responsibilities of the bureau shall include, but
17 not be limited to:

18 1. Wildlife management. The management of the
19 wildlife resources in the State for their preserva-
20 tion, protection, enhancement and use;

21 2. Fisheries management. The management of the
22 inland fisheries resources in the public waters of
23 the State for their preservation, protection, en-
24 hancement and use;

25 3. Propagation of fish. The propagation of fish
26 for the effective management of inland fisheries re-
27 sources in public waters of the State;

28 4. Habitat management. The management of habitat
29 for the protection, preservation, enhancement and use
30 of inland fisheries and wildlife resources;

31 5. Wildlife sanctuaries; wildlife management ar-
32 reas. The management of wildlife sanctuaries and wild-
33 life management areas for the State as designated in
34 chapter 713;

35 6. Data collection. The collection of data for
36 the effective management of the inland fisheries and
37 wildlife resources;

1 7. Research. Research activities for the effective
2 management of the inland fisheries and wildlife
3 resources;

4 8. Alteration of rivers, streams and brooks. Ad-
5 ministration of chapter 713, subchapter VII, Altera-
6 tion of Rivers, Streams and Brooks; and

7 9. Rules. The development of rules governing the
8 effective management of the inland fisheries and
9 wildlife resources of the State.

10 §7014. Bureau of Warden Service

11 There shall be the Bureau of Warden Service with-
12 in the Department of Inland Fisheries and Wildlife.
13 It shall be equal in organizational level and status
14 with other major organizational units within the de-
15 partment or its successors. The bureau shall be ad-
16 ministered by a director who is immediately responsi-
17 ble to the deputy commissioner. The director shall
18 possess full authority and responsibility for admin-
19 istering all the powers and duties of the bureau,
20 subject to the direction of the commissioner and ex-
21 cept as otherwise provided by statute. The responsi-
22 bilities of the bureau shall include, but not be lim-
23 ited to:

24 1. Wildlife - fisheries enforcement. Enforcement
25 of laws and department rules pertaining to the man-
26 agement and protection of the inland fisheries and
27 wildlife resources as further designated by section
28 7053;

29 2. Licensing - registration enforcement. En-
30 forcement of laws and department rules pertaining to
31 the registrations and operation of snowmobiles, wa-
32 tercraft and all-terrain vehicles;

33 3. General enforcement. Enforcement of other
34 laws or rules as designated by chapters 701 to 721,
35 or as specified;

36 4. Search and rescue. The coordination and im-
37 plementation of all search and rescue operations as
38 specified under section 7035, subsection 4;

1 5. Safety. The administration of programs for
2 hunter safety and for the safe operation of snowmo-
3 biles and watercraft;

4 6. Data collection. The collection of data as
5 needed for the management and protection of the in-
6 land fisheries and wildlife resources; and

7 7. Other. Other areas as specified in state law
8 §7015. Division of Planning

9 There shall be, within the Department of Inland
10 Fisheries and Wildlife, a Division of Planning which
11 shall be responsible for developing both short-term
12 and long-term plans for the preservation, protection,
13 enhancement and use of inland fisheries and wildlife
14 resources. The division shall undertake activities as
15 directed.

16 §7016. Division of Public Information and Education

17 There shall be, within the Department of Inland
18 Fisheries and Wildlife, a Division of Public Informa-
19 tion and Education which shall be responsible for the
20 administration of programs to increase the public's
21 knowledge and understanding of the inland fisheries
22 and wildlife resources and the management of these
23 resources. The division's responsibilities shall in-
24 clude public education, promotion of the inland fish-
25 eries and wildlife resources and the dissemination of
26 information.

27 §7017. Department funds

28 1. Line-item budget. All funds of the department
29 shall be allocated by the Legislature, in the same
30 manner as are appropriations from the General Fund,
31 in a gross unified budget and shall be subject to the
32 transfer provisions of Title 5, section 1585.

33 2. Unencumbered balances. Any unencumbered allo-
34 cated balances, including existing balances, shall be
35 carried forward into the next fiscal year and shall
36 not be expended without allocation by the Legisla-
37 ture.

1 3. Revenues. Actual revenues received in excess
2 of that estimated and allocated by the Legislature
3 shall not be expended without allocation by the Leg-
4 islature.

5 4. Cash reserve. The department shall maintain
6 as practical a cash reserve for the purpose of ensur-
7 ing an adequate cash flow.

8 5. Bond issue. The department shall submit to
9 the joint standing committee of the Legislature hav-
10 ing jurisdiction over inland fisheries and wildlife
11 plans for a bond issue prior to submission of the
12 bond issue to the full Legislature.

13 Sec. 21. 12 MRSA §7034, sub-§1, as enacted by PL
14 1979, c. 420, §1, is amended to read:

15 1. Appointment of deputy. The commissioner shall
16 appoint, to serve at his pleasure, a Deputy Commis-
17 sioner of Inland Fisheries and Wildlife, who shall be
18 qualified by training and experience in fisheries and
19 wildlife management and conservation law enforcement.
20 Under the commissioner's direction, the deputy com-
21 missioner shall assist him in the performance of his
22 duties, particularly in- administration of the de-
23 partment.

24 A. Field work, including the inspection of
25 hatcheries and similar property;

26 B. Supervision of wardens; and

27 C. Inspection of warden service-

28 Sec. 22. 12 MRSA §7035, sub-§1, as amended by PL
29 1979, c. 543, §3, is further amended to read:

30 1. Rules. The commissioner may, with the advice
31 and consent of the advisory council and in conformity
32 with the Maine Administrative Procedure Act, Title 5,
33 Part 18, and except as otherwise provided, adopt,
34 amend and repeal reasonable rules, including emergen-
35 cy rules, necessary for the proper administration,
36 implementation, enforcement and interpretation of any
37 provision of law that he is charged with the duty of
38 administering. These rules duly promulgated shall

1 have the full force and effect of law and shall be
2 effective upon filing with the Secretary of State,
3 unless a later date is required by statute or speci-
4 fied in the rule.

5 A. Fishing rules as set forth in the 1976 Open
6 Water Fishing Regulations folder and the 1977 Ice
7 Fishing Regulations folder, as printed and dis-
8 tributed to the public, are declared to be offi-
9 cial consolidations of fishing rules. Each subse-
10 quent annual revision of these publications shall
11 constitute an official consolidation as printed.

12 B. No municipality or political subdivision of
13 the State shall enact any ordinance, law or rule
14 regulating the hunting, trapping or fishing for
15 any species of fish or wildlife, the operation,
16 registration or numbering of watercraft or snow-
17 mobiles, or any other subject matter of chapter
18 715, subchapters I and II. Nothing in this para-
19 graph is to be construed to prohibit the follow-
20 ing:

21 (1) The enactment of any ordinance general-
22 ly regulating the discharge of firearms in a
23 municipality or any part of a municipality;
24 and

25 (2) The adoption of rules as authorized in
26 section 7792.

27 Sec. 23. 12 MRSA §7035, sub-§4, ¶B, as repealed
28 and replaced by PL 1981, c. 641, §1, is amended to
29 read:

30 B. The expenses of the department in search and
31 rescue efforts for individuals not engaged in ac-
32 tivities which require a license, permit or reg-
33 istration issued by the department shall be paid
34 reimbursed from the General Fund.

35 Sec. 24. 12 MRSA §7035, sub-§8, as enacted by PL
36 1979, c. 420, §1, is amended to read:

37 8. Sale of publications. If the commissioner
38 deems it advisable for the more effective dissemina-
39 tion of factual information, information of public

1 interest or information tending to promote better
2 public relations, he may fix the price, if any, of
3 certain publications and materials of the department,
4 and sell and deliver them. Publications and materials
5 included within this authority are all publications,
6 articles, biological and statistical data, profes-
7 sional and technical service reports by departmental
8 personnel and other materials in the department's
9 possession and pertaining to the department, except
10 publications of the laws in whatever form. These pub-
11 lications shall not carry any advertising of a polit-
12 ical nature, but may carry commercial advertising.

13 The commissioner may sell or lease photographs or
14 negatives owned by the department and may fix the
15 price, if any, giving consideration to their fair
16 market value.

17 Sec. 25. 12 MRSA §7035, sub-§9, as enacted by PL
18 1979, c. 420, §1, is amended to read:

19 9. Unneeded property. The Governor, on recommen-
20 dation of the commissioner, may sell and convey on
21 behalf of the State the interests of the State in
22 property taken or acquired by purchase under chapters
23 701 to 721 and deemed no longer necessary for the
24 purposes of those chapters. The commissioner, with
25 the approval of the Governor, may lease these same
26 properties. The proceeds from these sales or leases
27 shall be credited to the funds of the department.

28 Sec. 26. 12 MRSA §7035, sub-§11, as enacted by
29 PL 1981, c. 414, §5, is amended to read:

30 11. Promotion of hunting, fishing and camping.
31 The commissioner may implement a program designed to
32 promote fisheries and wildlife resources and attract
33 hunters and fishermen to the State. This program may
34 include coordination of activities between the public
35 and private sectors and utilization of promotional
36 missions throughout New England and New York, exhib-
37 its, brochures, technical assistance and expertise as
38 necessary to develop and promote hunting, fishing and
39 camping activities within the State. The commissioner
40 shall coordinate this program with the activities of
41 the State Development Office. Any purchases made as a
42 result of that coordination shall be by competitive
43 bid.

1 Sec. 27. 12 MRSA §7072, as enacted by PL 1979,
2 c. 420, §1, is repealed and the following enacted in
3 its place:

4 §7072. Appointment of agents

5 1. Appointment. The commissioner may appoint
6 clerks of towns or such other agents as he deems nec-
7 essary to issue licenses and permits. The commission-
8 er shall determine the period during which the agents
9 shall act.

10 2. Businesses under common ownership. In the
11 case of stores or businesses under a common owner
12 servng as agents, each store or business location
13 shall be an agent.

14 3. Agents for the purpose of selling licenses to
15 nonresidents. Agents for the purpose of selling li-
16 censes to nonresidents shall be appointed as follows.

17 A. The commissioner shall designate as an agent
18 for the purpose of selling nonresident licenses
19 any business which submits a complete applica-
20 tion, is credit worthy, has not violated any pro-
21 vision of this Part and can sell no fewer than 70
22 nonresident licenses a year in the opinion of the
23 commissioner. If an agent sells fewer than 70
24 nonresident licenses in one year, the commission-
25 er shall revoke the agency. A business, the agen-
26 cy of which is revoked, may reapply for an agency
27 for the 2nd year following the last year it held
28 an agency.

29 B. An applicant for an agency shall submit a
30 nonrefundable \$25 application fee with the appli-
31 cation and a \$25 fee each year thereafter for re-
32 newal.

33 C. In a municipality or township where no agent
34 sells at least 70 nonresident licenses, the agent
35 that sold the most licenses in the previous year
36 shall have an agency if it complies with the oth-
37 er provisions of this section.

38 Sec. 28. 12 MRSA §7074, sub-§4, as enacted by PL
39 1979, c. 420, §1, is repealed.

1 Sec. 29. 12 MRSA §7074, sub-§5 is enacted to
2 read:

3 5. Delinquent agents. If an agent fails to for-
4 ward to the commissioner funds collected by him dur-
5 ing the previous calendar month before the 15th day
6 of each calendar month, he is delinquent on the 16th
7 day of that month. Failure to remit the funds as pro-
8 vided in this section shall result in the following
9 sanctions, in addition to any others provided by law.

10 A. The commissioner shall charge interest on the
11 amount owed at the rate of 18% a year for each
12 day the agent is delinquent.

13 B. If the agent has not paid the amount owed by
14 the 60th day after he becomes delinquent, the
15 commissioner shall assess a surcharge of 5% of
16 the principal amount owed.

17 C. If an agent is delinquent for more than 150
18 days or is delinquent 3 or more times in one cal-
19 endar year, the commissioner shall:

20 (1) Terminate the agency for the balance of
21 the year;

22 (2) Order that the agency not be renewed
23 for the next year; or

24 (3) Both.

25 Sec. 30. 12 MRSA §7457, sub-§2, as amended by PL
26 1981, c. 27, is further amended to read:

27 2. Registration. The commissioner shall
28 establiish promulgate rules in accordance with the
29 Maine Administrative Procedure Act, Title 5, chapter
30 375, governing the establishment of deer registration
31 stations for the purpose of registering all deer
32 killed.

33 A. An agent designated by the commissioner shall
34 be in charge of each deer registration station.

35 B. A list of deer registration stations shall be
36 published in one or more daily newspapers of the
37 State.

1 C. . Deer registration agents shall:

2 (1) Register every deer legally presented
3 for registration;

4 (2) Attach a metal seal to each deer in the
5 manner directed and with the materials fur-
6 nished by the commissioner;

7 (3) Receive from the person registering a
8 deer the sum of \$1 for each seal; and

9 (4) Retain the \$1 for each seal.

10 D. All deer killed under section 7102 shall be
11 inspected by a warden before being registered un-
12 der this subsection. If the warden finds the deer
13 to have been legally killed by bow and arrow, he
14 shall approve the deer for registration.

15 Sec. 31. 12 MRSA §7757, sub-§2, as enacted by PL
16 1983, c. 526, §2, is amended to read:

17 2. Report and allocation. The Commissioner of
18 Inland Fisheries and Wildlife shall include a report
19 on the Maine Endangered and Nongame Wildlife Fund as
20 part of the report submitted to the Governor pursuant
21 to section 7034. ~~The commissioner shall submit a~~
22 ~~budget for each biennium in accordance with Title 5,~~
23 ~~sections 1663 to 1666.~~ The State Controller shall
24 authorize expenditures from the fund as approved by
25 the commissioner allocated by the Legislature.

26 Sec. 32. 12 MRSA §7780, sub-§3 is enacted to
27 read:

28 3. Land Use Regulation Commission jurisdiction.
29 Notwithstanding section 7776, that section shall not
30 apply to alterations in areas of the State within the
31 jurisdiction of the Land Use Regulation Commission
32 under chapter 206-A.

33 Sec. 33. 12 MRSA §7791, sub-§2, as enacted by PL
34 1979, c. 420, §1, is amended to read:

35 2. Division. "Division" means the Division of
36 Recreational Safety Licensing and Registration, a

1 part of the Department of Inland Fisheries and Wild-
2 life.

3 Sec. 34. 12 MRSA §7794-A is enacted to read:

4 §7794-A. History of ownership

5 1. Request. The commissioner or his designee
6 shall provide on request a written record of the his-
7 tory of past ownership of any watercraft which re-
8 quires a certificate of number under this subchapter.
9 The request shall be made on forms provided by the
10 commissioner.

11 2. Fee. The fee for providing the record shall
12 be \$25 and shall be submitted with the request form.

13 Sec. 35. 12 MRSA §7800, sub-§3, as amended by PL
14 1981, c. 414, §37, is further amended to read:

15 3. Disbursement of revenues. All revenues col-
16 lected under this subchapter, including fines, fees
17 and other available moneys, less all administrative
18 costs of the Division of ~~Recreational Safety~~
19 Licensing and Registration, shall be disbursed for
20 each fiscal year, when final accounting records are
21 determined for that fiscal year, to the Department of
22 Inland Fisheries and Wildlife and the Department of
23 Marine Resources. The disbursement shall be 2/3 to
24 the Department of Inland Fisheries and Wildlife and
25 1/3 to the Department of Marine Resources, and shall
26 be used to defray the costs of enforcing this sub-
27 chapter.

28 Sec. 36. 12 MRSA §7824, sub-§4, ¶B, as amended
29 by PL 1981, c. 698, §78, is further amended to read:

30 B. The Bureau of Parks and Recreation is autho-
31 rized to use the moneys credited to the Snowmo-
32 bile Trail Fund of the Bureau of Parks and Recre-
33 ation to make grants-in-aid to political subdivi-
34 sions, educational institutions, regional plan-
35 ning agencies, snowmobile groups and others for
36 the construction and maintenance of snowmobile
37 trails and for research, development and planning
38 of snowmobile trails ~~on such terms as the bureau~~
39 ~~determines necessary.~~

1 (1) The bureau shall ~~determine what trails~~
2 ~~will be eligible~~ promulgate rules specifying
3 how to apply for the grants, which projects
4 are eligible and the formula for state
5 support.

6 (2) The bureau may charge a reasonable fee
7 for these services and materials when the
8 moneys credited to it under this paragraph
9 are insufficient to satisfy the demand for
10 the services and materials. All fees so col-
11 lected shall be deposited in the Snowmobile
12 Trail Fund of the Bureau of Parks and Recre-
13 ation.

14 (3) If any of these moneys are not expended
15 during the year in which they are collected,
16 the unexpended balance shall not lapse, but
17 shall be carried as a continuing account
18 available for the purposes specified until
19 expended.

20 Sec. 37. 12 MRSA §7910, sub-§2, as enacted by PL
21 1979, c. 420, §1, is repealed.

22 Sec. 38. 12 MRSA §7950, first ¶, as enacted by
23 PL 1979, c. 420, §1, is amended to read:

24 A certificate, signed by the commissioner or a
25 person designated by him, stating what the records of
26 the Division of ~~Recreational~~ Safety Licensing and
27 Registration show on any given matter is admissible
28 in evidence in all courts of this State to prove what
29 the records of the division are on that matter.

30 Sec. 39. 12 MRSA §8003, sub-§3, ¶M, as amended
31 by PL 1979, c. 663, §69, is further amended to read:

32 M. The director is authorized, with the consent
33 of the commissioner, to sell, grant, lease,
34 transfer or otherwise convey any real or personal
35 property under the jurisdiction of the bureau.
36 The director shall deposit the proceeds from the
37 sale or lease of property purchased with Maine
38 Forestry District tax funds in Forest Fire Control
39 Accounts. This authority shall not apply to
40 the state nursery or lands acquired under the au-
41 thority of paragraph N.

1 Sec. 40. 12 MRSA §8426, sub-§3, ¶C is enacted to
2 read:

3 C. Any revenue deposited in spray project spe-
4 cial accounts attributable to services funded
5 from other state accounts shall be credited to
6 the accounts funding these services. If the Gen-
7 eral Fund funded these services, the revenue
8 shall be credited to the General Fund Undedicated
9 Revenue Account. In the case where the original
10 source cannot be determined, these funds shall be
11 deposited in the General Fund.

12 Sec. 41. 12 MRSA §8701, sub-§1, as amended by PL
13 1979, c. 663, §70, is further amended to read:

14 1. Establishment; purpose. The director may es-
15 tablish within the State one or more forest nur-
16 series, the maintenance of which shall be paid for
17 from the appropriation for that purpose. The object
18 of these nurseries is to furnish at cost forest tree
19 seedlings, transplants and, shrub material and
20 Christmas tree planting stock for use in planting the
21 present and potential forest lands within the State.

22 Sec. 42. 12 MRSA §8701, sub-§3, as enacted by PL
23 1979, c. 545, §3, is amended to read:

24 3. Resale. No person may resell at a profit
25 seedlings, transplants ~~or~~, shrub material or Christ-
26 mas tree planting stock with their roots attached re-
27 ceived from the nursery or their assigns. Any person
28 who violates this prohibition shall be subject to a
29 civil penalty not to exceed 200% of the value re-
30 ceived at resale, payable to the State, to be recov-
31 ered in a civil action.

32 Sec. 43. 12 MRSA §8906, sub-§2, as amended by PL
33 1983, c. 367, is further amended to read:

34 2. Equipment. The director may establish lookout
35 stations connected by telephone and radio, and con-
36 struct, equip and maintain office -- storehouse head-
37 quarters for necessary supplies, tools and equipment
38 and provide for any other facilities essential for
39 forest fire control. All fire lookout towers shall be
40 staffed during periods of fire danger. The director

1 shall notify the joint standing committees of the
2 Legislature having jurisdiction over energy and natu-
3 ral resources and appropriations and financial af-
4 airs in writing prior to implementing any major pol-
5 icy changes in the operation and staffing of the fire
6 lookout tower system. Within the Maine Forestry Dis-
7 trict, the director may, in addition to this subse-
8 ction, construct and maintain roads and trails. In the
9 event the director determines that any currently ac-
10 tive fire tower should not be reopened for the subse-
11 quent fire season, he shall provide notice to the
12 Legislature of his intended action by January 15th.
13 This notice shall include the location of the fire
14 towers affected and the justifications for the clo-
15 sure. Notice of closures shall be reviewed by the
16 joint standing committee of the Legislature having
17 jurisdiction over natural resources. Unless the Leg-
18 islature determines otherwise, the director may close
19 towers so indicated.

20 Sec. 44. 22 MRSA §1471-C, as amended by PL 1981,
21 c. 374, §§1 and 2, is further amended by adding be-
22 fore subsection 1 a new paragraph to read:

23 As used in this chapter, unless the context oth-
24 erwise indicates, the following words have the fol-
25 lowing meanings.

26 Sec. 45. 22 MRSA §1471-C, sub-§§16-A, 16-B,
27 16-C, 23-A, 23-B and 23-C are enacted to read:

28 16-A. Major forest insect aerial spray applica-
29 tion. "Major forest insect aerial spray application"
30 means a project to apply pesticides against a forest
31 insect pest by aerial application over an area con-
32 taining at least 250 acres in the aggregate.

33 16-B. Minor forest insect aerial spray applica-
34 tion. "Minor forest insect aerial spray application"
35 means a project to apply pesticides against a forest
36 insect pest by aerial application over an area con-
37 taining less than 250 acres in the aggregate.

38 16-C. Monitor. "Monitor" means a person working
39 on a public or private forest insect aerial spray ap-
40 plication project who is responsible for observing
41 and monitoring the release and deposition of the pes-

1 ticide and noting compliance with the requirements
2 for spray application.

3 23-A. Spotter. "Spotter" means a person working
4 on a public or private forest insect aerial spray ap-
5 plication project who is responsible for ordering the
6 cessation of spraying over water bodies and other
7 nontarget areas.

8 23-B. Spray contracting firm. "Spray contracting
9 firm" means a person, as defined in this section, em-
10 ployed or contracted to conduct a public or private
11 forest insect aerial spray application. This term
12 does not include the owner or lessee of land to be
13 sprayed, employees of that landowner or lessee, the
14 Bureau of Forestry, the employees of the Bureau of
15 Forestry or individuals who are certified as commer-
16 cial applicators.

17 23-C. Spray period. "Spray period" means any pe-
18 riod of a forest insect aerial spray application
19 project during which pesticides are applied and which
20 is demarcated from another spray period by at least a
21 2-hour cessation in pesticide application.

22 Sec. 46. 22 MRSA §1471-D, sub-§1, as enacted by
23 PL 1975, c. 397, §2, is repealed and the following
24 enacted in its place:

25 1. Certification required; commercial applica-
26 tors and spray contracting firms. Certification is
27 required for commercial applicators and spray con-
28 tracting firms as follows.

29 A. No commercial applicator may use or supervise
30 the use of any pesticide within the State without
31 prior certification from the board, provided that
32 a competent person who is not certified may use
33 such a pesticide under the direct supervision of
34 a certified applicator; and

35 B. No spray contracting firm may use or super-
36 viser the use of any pesticide in a major or minor
37 forest insect aerial spray application project
38 within the State without prior certification from
39 the board.

1 Sec. 47. 22 MRSA §1471-D, sub-§2-B is enacted to
2 read:

3 2-B. Certification required; spotters and
4 monitors. No person may:

5 A. Act as a spotter without prior certification
6 from the board; or

7 B. Act as a monitor without prior certification
8 from the board.

9 Sec. 48. 22 MRSA §1471-D, sub-§4, as amended by
10 PL 1977, c. 20, §3, is further amended to read:

11 4. Application. Application for licenses or cer-
12 tification shall be accompanied by such a reasonable
13 fee as the board may establish by regulation. The ap-
14 plicant shall provide such information regarding the
15 applicant's qualifications and proposed operations
16 and other relevant matters as required by the board.
17 Commercial applicators and spray contracting firms
18 shall be required by the board to provide proof of
19 financial responsibility in custom application as to
20 such amounts as the board may, by regulation, desig-
21 nate; private applicators may also be required to
22 provide such proof. All applicants to the board for
23 certification or licensing shall be required to com-
24 ply with such standards of competency as are estab-
25 lished by the board concerning adequate knowledge of
26 pesticide distribution or use and the related dangers
27 and necessary precautions; provided that, in the case
28 of applicants for commercial certification and pesti-
29 cide dealers' licenses, such compliance shall be dem-
30 onstrated by written examination in addition to such
31 other criteria, including performance testing, as the
32 board may establish.

33 A fee of \$100, payable to the board, shall accompany
34 a license application from a spray contracting firm
35 filed under subsection 1-B. The amounts so collected
36 shall be placed in the board's account dedicated to
37 license revenues.

38 Sec. 49. 22 MRSA §1471-D, sub-§6, as amended by
39 PL 1981, c. 374, §4, is further amended to read:

1 6. Renewal. Certification of commercial applica-
2 tors, government pesticide supervisors, spotters,
3 monitors, spray contracting firms and licenses of
4 pesticide dealers shall be valid for one year from
5 the date of issuance. Certification of private ap-
6 plicators shall be valid for such period as pre-
7 scribed by the board by regulation. Application for
8 renewal shall be accompanied by such reasonable fee
9 as the board may by regulation require. The board
10 may, by regulation, require that such renewal appli-
11 cation include reexamination or other procedures de-
12 signed to assure a continuing level of competence to
13 distribute, use or supervise the use of pesticides
14 safely and properly.

15 If the board fails to renew a license upon applica-
16 tion of the licensee or certificate holder, it shall
17 afford the licensee or certificate holder an opportu-
18 nity for a hearing in conformity with Title 5, chap-
19 ter 375, subchapter IV.

20 Sec. 50. 22 MRS §1471-D, sub-§7, ¶B, as amended
21 by PL 1981, c. 374, §5, is further amended to read:

22 B. The board shall notify the licensee, ~~the cer-~~
23 ~~tified applicator or the government pesticide~~
24 ~~supervisor or certificate holder~~ of the temporary
25 suspension, indicating the basis therefor and in-
26 forming the licensee, ~~the certified applicator or~~
27 ~~the supervisor or certificate holder~~ of the right
28 to request a public hearing.

29 Sec. 51. 22 MRS §1471-D, sub-§7, ¶C, as amended
30 by PL 1981, c. 374, §6, is further amended to read:

31 C. If the licensee, ~~the certified applicator or~~
32 ~~the supervisor or certificate holder~~ fails to re-
33 quest a hearing within 20 days of the date of
34 suspension, such right shall be deemed waived. If
35 the licensee, ~~the certified applicator or the~~
36 ~~supervisor or certificate holder~~ requests such a
37 hearing, notice shall be given at least 20 days
38 prior to the hearing to the licensee, ~~the certi-~~
39 ~~fied applicator or the supervisor or certificate~~
40 ~~holder~~ and to appropriate federal and state agen-
41 cies. In addition, public notice shall be given
42 by publication in a newspaper of general circula-

1 tion in the State and such other publications as
2 the board deems appropriate.

3 Sec. 52. 22 MRSA §1471-D, sub-§8, as amended by
4 PL 1981, c. 470, Pt. A, §67, is further amended to
5 read:

6 8. Revocation. The Administrative Court may sus-
7 pend or revoke the certification or license of ~~an ap-~~
8 ~~plieater, government pesticide supervisor or pesti-~~
9 ~~eide dealer~~ a licensee or certificate holder upon a
10 finding that the applicant:

11 A. Is no longer qualified;

12 B. Has engaged in fraudulent business practices
13 in the application or distribution of pesticides;

14 C. Used or supervised the use of pesticides ap-
15 plied in a careless, negligent or faulty manner
16 or in a manner which is potentially harmful to
17 the public health, safety or welfare or the envi-
18 ronment;

19 D. Has stored, transported or otherwise distrib-
20 uted pesticides in a careless, faulty or negli-
21 gent manner or in a manner which is potentially
22 harmful to the environment or to the public
23 health, safety or welfare;

24 E. Has violated the provisions of this chapter
25 or the rules and regulations issued hereunder;

26 F. Has made a pesticide recommendation, use or
27 application, or has supervised such use or appli-
28 cation, inconsistent with the labelling or other
29 restrictions imposed by the board;

30 G. Has made false or fraudulent records or re-
31 ports required by the board under this chapter or
32 under regulations pursuant thereto;

33 H. Has been subject to a criminal conviction un-
34 der section 14 (b) of the amended FIFRA or a fi-
35 nal order imposing a civil penalty under section
36 14 (a) of the amended FIFRA; or

1 I. Has had the license or certificate, which
2 supplied the basis for the Maine license or cer-
3 tification pursuant to subsection 10, revoked or
4 suspended by the appropriate federal or other
5 state government authority.

6 Sec. 53. 22 MRSA §1471-G, sub-§2, as enacted by
7 PL 1975, c. 397, §2, is amended to read:

8 2. Applicators and firms to maintain certain
9 records. All commercial applicators and spray con-
10 tracting firms shall maintain, for a period of at
11 least 2 years, records indicating the type and amount
12 of pesticide used, the area of use and such other in-
13 formation as the board may require. Said applicators
14 and firms shall provide such information, notifica-
15 tion and reports as the board, by regulation, may re-
16 quire.

17 Sec. 54. 22 MRSA §1471-M, sub-§1, ¶D, as amended
18 by PL 1981, c. 470, Pt. A, §68, is further amended to
19 read:

20 D. Establish the standards for issuance and re-
21 newal of licenses of pesticide dealers. These
22 standards shall include, but not be limited to,
23 requirements concerning transportation of pesti-
24 cides, the applicant's knowledge of applicable
25 federal and state statutes and regulations, and
26 the applicant's understanding of the dangers in-
27 volved and the precautions necessary for the safe
28 storage and distribution of pesticides; ~~and~~

29 Sec. 55. 22 MRSA §1471-M, sub-§1, ¶E, as enacted
30 by PL 1975, c. 397, §2, is amended to read:

31 E. Establish guidelines and requirements for re-
32 porting of information by commercial applicators
33 and, pesticide dealers, spray contracting firms,
34 spotters and monitors to the board; ;

35 Sec. 56. 22 MRSA §1471-M, sub-§1, ¶¶G and H are
36 enacted to read:

37 G. Establish standards for the certification and
38 renewal of certification of spotters and
39 monitors; and

1 H. . Establish standards for the certification and
2 renewal of certification of spray contracting
3 firms.

4 Sec. 57. 22 MRSA §§1471-R and 1471-S are enacted
5 to read:

6 §1471-R. Notification and monitoring

7 1. Purpose. The purpose of this section is to
8 protect the public health and safety by requiring a
9 system of notification to the public and to the board
10 for forest insect aerial spray projects and by im-
11 proving the monitoring of these projects.

12 2. Scope. The requirements of this section apply
13 to public and private forest insect aerial spray pes-
14 ticide applications.

15 3. Notification to the public. Prior to the com-
16 mencement of a forest insect aerial spray applica-
17 tion, notice shall be given to the public as follows.

18 A. If the project is a major forest insect aeri-
19 al spray application, as defined in section
20 1471-C, the notification shall be as follows.

21 (1) At least 90 days, but not more than 120
22 days, prior to spray application, notice
23 shall be published in a newspaper of general
24 circulation in the area affected. The notice
25 shall generally describe the time, place and
26 manner of the proposed spray project and the
27 name, address and telephone number of per-
28 sons responsible for the activity.

29 (2) At least 20 days, but not more than 30
30 days, prior to spray application, notice
31 shall be published in a newspaper of general
32 circulation in the area affected. The notice
33 shall describe the proposed spray activity,
34 the area to be sprayed, the pesticide to be
35 used, the date or dates on which the spray-
36 ing is proposed to take place, any public
37 precautions which appear on the pesticide
38 label and the name, address and telephone
39 number of persons responsible for the activ-
40 ity.

1 (3) Any changes in the spray project, as it
2 has been described pursuant to subparagraphs
3 (1) and (2), shall be published in a newspa-
4 per of general circulation in the area af-
5 ected or on a local radio station on or
6 about 5 days before spray application.

7 (4) Any changes in the spray project, as it
8 has been described pursuant to subparagraphs
9 (1), (2) and (3), which occur after the com-
10 mencement of the spray project shall be pub-
11 lished in a newspaper of general circulation
12 in the area affected or on a local radio
13 station 24 hours prior to the spray period
14 at issue, whenever possible.

15 (5) Notice shall be conspicuously posted at
16 each point of ingress and egress of the pub-
17 lic into the area to be sprayed. The notice
18 shall be posted for at least a 7-day period
19 immediately prior to the commencement of a
20 spray project and shall remain posted for at
21 least a 7-day period following the comple-
22 tion of the spray project. The notice shall
23 contain the information described in subpar-
24 agraph (2).

25 B. If the project is a minor forest insect aeri-
26 al spray application, as defined in section
27 1471-C, the notification shall be as follows: No-
28 tice in a newspaper of general circulation in the
29 areas affected on or about 5 days before spray
30 application. The notice shall contain the infor-
31 mation required in paragraph A, subparagraph (2).

32 C. Notice shall otherwise be provided, as re-
33 quired by rule or order of the board, when that
34 board determines additional notification proce-
35 dures to be necessary to reach the affected pub-
36 lic.

37 4. Notification to the board. Written notice
38 shall be given to the board:

39 A. At least 30 days prior to the commencement of
40 a major forest insect aerial spray application;
41 or

1 B. . At least 5 days prior to the commencement of
2 a minor forest insect aerial spray application.

3 The notice shall contain the information required under
4 subsection 3, paragraph A, subparagraph (2), and
5 shall also include any other information which is re-
6 quired by the board. The notice shall be on such form
7 as the board may prescribe.

8 5. Spray period report. Immediately following
9 the completion of each spray period, the spotter
10 shall file a written spray period report with the
11 board. The report shall describe the spray activity,
12 shall certify the area and acreage actually sprayed
13 and the pesticide used, weather conditions at the
14 time, a map showing where spray booms were turned on
15 and off and any nontarget areas that were sprayed and
16 the date and time on which spraying took place. The
17 report shall be on such form and filed in accordance
18 with such procedure as the board may prescribe.

19 6. Responsibility. The following parties shall
20 be responsible for complying with the requirements of
21 this section:

22 A. In the case of a forest insect aerial spray
23 program administered pursuant to Title 12, chap-
24 ter 803, the Bureau of Forestry; and

25 B. In the case of any other forest insect aerial
26 spray activities, the landowner or the
27 landowner's representative, or, if the land is
28 leased, the lessee.

29 7. Exemption. The board may exempt a person from
30 compliance with one or more of the requirements of
31 this section if the board finds that the exemption
32 will not result in any unreasonable risk to the
33 public's health, safety or general welfare and is
34 otherwise in the public interest. Any request for ex-
35 emption shall be made in writing to the board and
36 shall state the reasons for the request. The board
37 shall not grant any exemption, except following no-
38 tice to the public and opportunity for hearing. No-
39 tice and opportunity for hearing shall be in a manner
40 as the board may prescribe and may be at variance
41 with the requirements of the Maine Administrative

1 Procedure Act, Title 5, chapter 375, to the extent
2 that the board deems necessary under the circum-
3 stances.

4 §1471-S. Requirement for spotters and monitors

5 Major public and private forest insect aerial
6 spray projects shall employ spotters and monitors, as
7 defined in section 1471-C. These personnel shall be
8 certified pursuant to section 1471-D, subsection 2,
9 paragraph B. At least one spotter and one monitor
10 shall be with each spray aircraft or spray aircraft
11 team during all spray application activities. A
12 spotter or monitor shall not serve as the pilot of
13 any aircraft involved in the spray project.

14 Sec. 58. 22 MRSA c. 601, sub-c. III, as amended,
15 is further amended to read:

16 SUBCHAPTER III

17 LICENSURE OF OPERATORS

18 §2621. Definitions

19 As used in this subchapter, unless the context
20 otherwise indicates, the following words shall have
21 the following meanings.

22 1. Board. "Board" shall mean means the Board for
23 ~~Certification~~ Licensure referred to in this subchap-
24 ter.

25 2. License. "~~Certificate~~" "License" shall mean
26 means a ~~certificate~~ license issued by the board stat-
27 ing that the applicant has met the requirements for
28 the specified operator classification.

29 §2622. Classification of public water systems and
30 parts thereof

31 The commissioner shall classify all public water
32 systems and the water treatment plants or collection,
33 treatment or storage facilities or structures that
34 are part of a system with due regard to the size and
35 type of facilities, the character of water to be
36 treated and any other physical conditions affecting

1 such system or part thereof and specify the qualifi-
2 cations the operator of the system or of a part of a
3 system must have to supervise successfully the opera-
4 tion of the system or parts thereof so as to protect
5 the public health or prevent nuisance conditions.

6 The commissioner, with the advice of the board,
7 shall establish the criteria and conditions for the
8 classification of public water systems and water
9 treatment plants or collection, treatment or storage
10 facilities or structures that are part of a system.

11 The commissioner, with the advice of the board,
12 may establish classes of public water supply systems
13 which do not require licensed individuals as opera-
14 tors.

15 §2623. Applicability

16 The board shall certify persons as to their com-
17 petency to supervise successfully the operation of a
18 public water system or of a part of a system. It is
19 unlawful for any person to perform the duties of an
20 operator, as defined, without being duly licensed un-
21 der this subchapter, except as provided in section
22 2630.

23 §2624. Board of Licensure

24 The Governor shall appoint a Board of
25 ~~Certification~~ Licensure composed of 5 ~~6~~ persons as
26 follows: Two operators who shall be ~~certified as to~~
27 ~~competency~~ licensed under this chapter, with one of
28 these holding a ~~certificate~~ license of the highest
29 classification issued by the board; one person who
30 shall be from the Department of Human Services, as
31 the commissioner may recommend; one person who shall
32 be a water utility management representative; and one
33 person who shall be an educator whose field of inter-
34 est is related to water supply; and one member of the
35 general public.

36 Each member of the board, with the exception of
37 the ex officio member from the Department of Human
38 Services, shall be appointed for a 3-year term and
39 shall serve no more than 2 consecutive full terms.
40 Vacancies shall be filled by appointment of the Gov-

1 error for unexpired terms.

2 Members of the board, at the call of the commis-
3 sioner, shall organize and elect from their number a
4 chairman at the first meeting of each year. On all
5 matters before the board, the chairman may vote only
6 in case of a tie among the other members present and
7 voting. Thereafter, annually, a chairman shall be
8 elected. The Department of Human Services representa-
9 tive of the board shall serve as secretary of the
10 board and be responsible for maintaining records and
11 providing administrative support.

12 The board shall hold at least one examination
13 each year at a time and place designated by them for
14 the purpose of examining candidates for
15 certifications licensure. Additional meetings may be
16 called by the chairman, or by him at the request of
17 any other 2 members, as may be necessary to carry out
18 this chapter.

19 The members of the board shall serve without com-
20 pensation, except for their actual and necessary ex-
21 penses incurred while discharging their official du-
22 ties.

23 The board shall license persons to supervise the
24 operation of a public water system or of a part of a
25 system.

26 The commissioner with the advice of the board
27 shall establish the criteria and conditions for the
28 classification of public water systems and water
29 treatment plants or collection, treatment or storage
30 facilities or structures that are part of a system.

31 The board with the advice of the commissioner
32 shall establish by regulation the qualifications,
33 conditions and licensing standards and procedures for
34 the certification licensure of individuals to act as
35 operators.

36 The commissioner, with the advice of the board,
37 may establish classes of public water supply systems
38 which do not require certified individuals as opera-
39 tors.

1 §2625. . Licenses

2 The board shall issue certificates biennial
3 licenses to individuals to act as operators. The
4 certificate license shall indicate the classification
5 level of the systems or parts of systems for the op-
6 eration of which the individual is qualified to act
7 as an operator.

8 Certificates shall continue in effect unless re-
9 voiced, but shall remain the property of the board,
10 and the certification shall so state.

11 The board may file a complaint with the Adminis-
12 trative Court to revoke a certificate license of an
13 operator when the board determines that the operator
14 has practiced fraud or deception; that he has been
15 negligent in that reasonable care, judgment or the
16 application of his knowledge or ability was not used
17 in the performance of his duties; or that the opera-
18 tor is incompetent or unable to perform his duties
19 properly.

20 The certificates licenses of operators who termi-
21 nate their employment at a public water system shall
22 remain renewable for 3 years. After 3 years, the
23 certificates licenses shall be automatically invali-
24 dated. Operators whose certificates licenses are in-
25 validated under this section may be issued new
26 certificates licenses of a like classification pro-
27 vided appropriate proof of competency is presented to
28 the board.

29 This chapter shall not be construed to effect or
30 prevent the practices of any other legally recognized
31 profession.

32 When the unexpired term of license of an appli-
33 cant is or will be more than one year at the time of
34 licensure, the board may require the applicant to pay
35 an additional fee not to exceed 1/2 the biennial li-
36 cence fee.

37 Applications for a first examination shall be re-
38 ceived by the board at least 5 days prior to a sched-
39 uled meeting of the board. The passing grade on any
40 portion of the examination shall be not less than

1 70%. A candidate failing one examination may apply
2 for reexamination, which may be granted upon payment
3 of a fee established by the board. Any candidate for
4 registration having an average grade of less than 50%
5 may not apply for reexamination for 6 months.

6 §2625-A. Renewals

7 All licenses shall expire on December 31st of
8 each biennial period and may be renewed thereafter
9 for 2-year periods without further examination, upon
10 the payment of the proper renewal fee as set forth in
11 the board's rules. Any person who fails to renew his
12 license within the 6-month grace period following the
13 expiration date shall be required to take an examina-
14 tion.

15 The board shall notify everyone registered under
16 this subchapter of the date of expiration of his li-
17 cence and the fee required for its renewal for a
18 2-year period. The notice shall be mailed to the
19 person's last-known address at least 30 days in ad-
20 avance of the expiration date of his license.

21 §2626. License from outside of Maine

22 The board, upon application therefor, may issue a
23 ~~certificiate~~ license without examination, in a compa-
24 rable classification, to any person who holds a
25 ~~certificiate~~ license in any state, territory or pos-
26 session of the United States or any country, provid-
27 ing the requirements for ~~certification~~ licensure of
28 operators under which the person's ~~certificiate~~
29 license was issued does not conflict with this chap-
30 ter and in the opinion of the board are of a standard
31 not lower than that specified by regulations adopted
32 under this chapter.

33 §2627. License from owner of particular system

34 Certificiate Licenses may be issued without exam-
35 ination to the person or persons certified by the
36 governing body or owner to have been in direct re-
37 sponsible charge of a water treatment plant or a wa-
38 ter distribution or public water system between Octo-
39 ber 1, 1966 and October 1, 1969. A ~~certificiate~~
40 license so issued shall be valid only for that par-

1 ticular classification level of treatment plant or
2 system.

3 §2628. Rules

4 The board, with the advice of the commissioner in
5 accordance with any other appropriate state laws,
6 shall make such rules and ~~regulations~~ as are reason-
7 ably necessary to carry out the intent of this sub-
8 chapter. The rules and ~~regulations~~ shall include, but
9 are not limited to, provisions establishing require-
10 ments for ~~certification~~ licensure and procedures for
11 examination of candidates and such other provisions
12 as are necessary for the administration of this sub-
13 chapter.

14 §2629. Fees

15 Upon payment of a fee not to exceed \$25 and com-
16 pletion of an application for examination, the appli-
17 cant shall be scheduled for an examination. The ap-
18 plication fees, biennial renewal fees and reinstatement
19 fees shall be established by the board by rule
20 and shall be based upon different classifications of
21 water treatment systems and the levels of competence
22 to operate various water systems. The application fee
23 shall not exceed \$35, the biennial renewal fee shall
24 not exceed \$30. The revenues derived from the fees
25 shall be deposited by the board in a special account
26 to be used to defray the expenses incurred by the
27 board. Revenues derived from applicants failing the
28 examination shall be retained by the board.

29 §2630. Licensure; temporary conditional waiver

30 On and after October 1, 1971, it shall be unlaw-
31 ful for any supplier of water to operate a public wa-
32 ter system unless the competency of the operator or
33 operators is duly certified by the board under this
34 subchapter. It shall be unlawful for any person to
35 perform the duties of an operator, as defined, with-
36 out being duly certified under this subchapter.

37 If a supplier of water loses its certified
38 licensed operator, it shall secure a new certified
39 licensed operator or enter into a contractual agree-
40 ment with a certified licensed operator of proper

1 classification until a new operator has been employed
2 for the supplier of water.

3 The commissioner may, in the event of extenuating
4 circumstances, issue a waiver of the ~~certification~~
5 licensure requirements for a period not exceeding 13
6 months. In granting the waiver, the commissioner may
7 impose such terms, conditions or requirements as, in
8 his judgment, are necessary to protect the public
9 health and interest.

10 Holders of a water treatment plant operator's
11 certificate valid as of June 30, 1984, shall be
12 deemed to hold a license expiring on the same day as
13 the certificate.

14 §2631. Violations

15 1. Violation. Any person violating any provision
16 of this subchapter or the rules and regulations
17 adopted under this subchapter, commits a civil viola-
18 tion for which a forfeiture of not more than \$500 may
19 be adjudged. Each day of operation in violation of
20 this subchapter or any rules and regulations adopted
21 under this subchapter shall constitute a separate vi-
22 olation.

23 2. Injunctive relief. The commissioner may com-
24 mence or cause to be instituted a civil action in the
25 Superior Court under subsection 1, to seek injunctive
26 relief to prevent the violation of this subchapter,
27 to prevent the violation of any rule or regulation
28 issued pursuant to this subchapter or to require a
29 public water system or supplier of water to take oth-
30 er action necessary to comply with this subchapter,
31 with or without a prior order from the commissioner
32 or department.

33 In addition to the county in which the principal
34 place of business of the supplier of water is lo-
35 cated, the action may be instituted in the Superior
36 Court of Kennebec County.

37 Sec. 59. 25 MRSA §3705 is enacted to read:

38 §3705. Exception for certain publications of the De-
39 partment of Inland Fisheries and Wildlife

1 Nothing in this chapter may prevent persons who
2 are not law enforcement officers from selling the ad-
3 vertising space in promotional and educational publi-
4 cations of the department.

5 Sec. 60. 26 MRSA §800, first ¶, as enacted by PL
6 1983, c. 176, Pt. A, §9, is amended to read:

7 §800. Membership

8 Members of the committee shall be citizens of the
9 State who have an unselfish and demonstrated interest
10 in equal opportunity for disabled people. No more
11 than 5 members may be individuals employed, retained
12 or otherwise compensated by or representative of the
13 executive branch of State Government. ~~At least 2~~
14 ~~members shall be current members of the Legislature,~~
15 ~~one from the House of Representatives and one from~~
16 ~~the Senate.~~ The committee shall include representa-
17 tives of health, educational, labor, business, pub-
18 lic, private voluntary and advocacy organizations.

19 Sec. 61. 30 MRSA §4163, first ¶, as repealed and
20 replaced by PL 1975, c. 623, §47, is amended to
21 read:

22 All income received by the State Director of the
23 Bureau of Public Lands from the public reserved
24 lands, except income provided for in section 4166,
25 shall be deposited with the Treasurer of State, to be
26 credited to a Public Reserved Lands Management Fund
27 ~~which is hereby established as a nonlapsing dedicated~~
28 ~~fund~~, as established in Title 12, section 557. ~~Mon-~~
29 ~~eys credited to the Public Reserved Lands Management~~
30 ~~Fund shall be available for expenditure by the Direc-~~
31 ~~tor of the Bureau of Public Lands for the purposes~~
32 ~~set forth in section 4162 without limitation as to~~
33 ~~fiscal year.~~

34 Sec. 62. 36 MRSA §651, sub-§1, ¶B, as amended by
35 PL 1981, c. 595, §4, is further amended to read:

36 B. The property of the State of Maine including
37 submerged and intertidal land owned by the State;

38 Sec. 63. 36 MRSA §1503, sub-§3, as enacted by PL
39 1983, c. 92, Pt. B, §9, is amended to read:

1 3. . Director. "Director" means the Director of
2 the Division of Recreational Safety Licensing and
3 Registration, Department of Inland Fisheries and
4 Wildlife.

5 Sec. 64. 36 MRSA §1506, as enacted by PL 1983,
6 c. 92, Pt. B, §9, is amended to read:

7 §1506. Rulemaking

8 The Commissioner of Marine Resources, after con-
9 sultation with the Commissioner of Inland Fisheries
10 and Wildlife and the Director of the Division of Ree-
11 reational Safety Licensing and Registration, may
12 adopt rules and establish such forms and procedures
13 as are necessary for the efficient administration and
14 enforcement of the excise tax established by this
15 chapter.

16 Sec. 65. 38 MRSA §321, first ¶, as amended by PL
17 1973, c. 460, §19, is further amended to read:

18 The Director of the Bureau of Parks and Recre-
19 ation, with the advice of the Bureau of Parks and
20 Recreation, shall acquire, construct and maintain,
21 within the funds available, public facilities for
22 boats in the waters of the State, including but not
23 limited to launching ramps, locks, parking sites and
24 access roads. Waters of the State means any waters
25 within the territorial limits of the State, and the
26 marginal sea adjacent to the State.

27 Sec. 66. 38 MRSA §391, as enacted by PL 1977, c.
28 123, §2, is amended by adding at the end a new para-
29 graph to read:

30 This section does not apply to areas of the State
31 within the jurisdiction of the Maine Land Use Regula-
32 tion Commission under Title 12, chapter 206-A.

33 Sec. 67. 38 MRSA §488, as amended by PL 1983, c.
34 369, is further amended by adding at the end a new
35 paragraph to read:

36 Development which consists only of a subdivision
37 or subdivisions located entirely within the area of
38 the State subject to the jurisdiction of the Maine

1 Land Use Regulation Commission under Title 12, chap-
2 ter 206-A, is exempt from the requirements of this
3 Article.

4 Sec. 68. 38 MRSA §965, as enacted by PL 1979, c.
5 459, §1, is amended to read:

6 §965. Fees

7 The commission may establish reasonable fees for
8 permit applications, variance applications and cer-
9 tificates of compliance. The funds derived from the
10 collection of such fees shall be ~~paid into the Gener-~~
11 ~~al Fund of the State retained by the commission.~~ The
12 commission may also establish a reasonable schedule
13 of fees for providing copies of this chapter, maps of
14 district boundaries, the comprehensive plan, copies
15 of rules and regulations, performance standards, of-
16 ficial publications or other materials which may be
17 requested by the public. The fees for any such mate-
18 rials shall be retained by the commission and used to
19 defray the expense of printing, copying, mailing or
20 otherwise providing such materials to the public.

21 Sec. 69. P&SL 1955, c. 186, §1, as amended by
22 P&SL 1973, c. 67, is repealed.

23 Sec. 70. Snowmobile and watercraft registration.
24 The Department of Inland Fisheries and Wildlife shall
25 submit any major changes in the present operation of
26 the registration program for snowmobile and water-
27 craft to the joint standing committee of the Legisla-
28 ture having jurisdiction over inland fisheries and
29 wildlife for review prior to implementation.

30 Sec. 71. Hatchery workers. Any employee hired
31 after June 30, 1984, in the Hatcheries Section of the
32 Division of Fisheries and Hatcheries in the Depart-
33 ment of Inland Fishers and Wildlife or its successor
34 shall have his usual work schedule based on the stan-
35 dard workweek. Overtime shall be scheduled only as
36 needed.

37 Sec. 72. Transfer from Boating Facilities Fund.
38 The amount of \$8,000 shall be transferred from the
39 Boating Facilities Fund in the Bureau of Parks and
40 Recreation to General Fund Undedicated Revenue to re-

1 imburse the General Fund for expense associated with
2 operating the Songo Lock in fiscal year 1984.

3 Sec. 73. Spray project accounts. All funds that
4 have been deposited in the spray projects special ac-
5 counts that were generated by services funded from
6 other accounts shall be credited back to the original
7 source. In the case of the General Fund, these funds
8 shall be credited to General Fund Undedicated Reve-
9 nue. In the case where the original source cannot be
10 determined, these funds shall be deposited in the
11 General Fund.

12 Sec. 74. Reorganization of Department of Inland
13 Fisheries and Wildlife. There shall be a reorganiza-
14 tion of the Department of Inland Fisheries and Wild-
15 life following the guidelines prescribed in this Act
16 and the 5th annual report of the Joint Standing Com-
17 mittee on Audit and Program Review issued during the
18 Second Regular Session of the 111th Legislature.
19 This reorganization shall take place within the ex-
20 isting resources of the department and the realloca-
21 tion of fish and wildlife funds in this Act. If ad-
22 ditional funds are needed for the purpose of reorga-
23 nization, the department shall use salary savings
24 from Personal Services.

25 It is the Legislature's intent that the reorgani-
26 zation shall give attention to using existing staff
27 resources wherever possible. Further, the elimina-
28 tion of positions of the Director of the Division of
29 Fisheries and Hatcheries and Director of the Division
30 of Wildlife Management shall become effective upon
31 the vacancy of these positions, but not before the
32 effective date of this Act.

33 PART B

34 Adjustments to General Fund. In order to provide
35 for necessary adjustments of the General Fund to im-
36 plement the recommendations of the Joint Standing
37 Committee on Audit and Program Review, appropriations
38 are adjusted by the amounts designated in the follow-
39 ing tabulations.

40 DEPARTMENT OR AGENCY
41

APPROPRIATIONS
FROM THE GENERAL FUND

1984-85

1
2 CONSERVATION, DEPARTMENT OF
3 Forest Fire Control
4 Positions (-1)
5 Personal Services \$(26,730)
6 Eliminates the Regional
7 Ranger position in the
8 Southern Fire Control
9 Region
10 Parks General Operations
11 Personal Services (8,000)
12 Transfers 2 seasonal
13 positions to the Boat-
14 ing Facilities Fund to
15 operate Songo Lock.
16
17 Department of Conservation
18 Total \$(34,730)
19 TREASURER OF STATE (OFFICE OF)
20 Treasurer - Debt Service
21 All Other (3,040)
22 This decrease in appro-
23 priations for debt ser-
24 vice is offset by a
25 transfer from the bond
26 redemption account of
27 unused bond funds au-
28 thorized by Private and
29 Special Law 1971, chap-
30 ter 140, for develop-
31 ment of parks at Tyler
32 Pond, Damariscotta Lake
33 and Poland totaling
34 \$3,040.
35
36 TOTAL PART B \$(37,770)
37 PART C
38 Adjustments to Inland Fisheries and Wildlife

1 Fund. To provide for necessary adjustments of the
2 Inland Fisheries and Wildlife Fund to implement the
3 recommendations of the Joint Standing Committee on
4 Audit and Program Review, allocations are adjusted by
5 the amounts designated in the following tabulations.

6 1983-84 1984-85

7 INLAND FISHERIES AND WILDLIFE,
8 DEPARTMENT OF

9	Fish and Wildlife - Central		
10	Administrative Services		
11	Unallocated	\$ (16,490)	\$ (103,200)
12	This provides for the		
13	reorganization of the		
14	Department of Inland		
15	Fisheries and Wildlife		
16	which includes the		
17	elimination of 4 posi-		
18	tions on May 1, 1984,		
19	to include the Staff		
20	Attorney, Business Man-		
21	ager, Fisheries Biolo-		
22	gist III, and Account-		
23	ant II and 2 positions		
24	of Director of the Di-		
25	vision of Wildlife Man-		
26	agement and Director of		
27	the Division of Fisher-		
28	ies and Hatcheries.		
29	Fish and Wildlife - Central		
30	Administrative Services		
31	Unallocated	\$11,860	\$72,100
32	This provides for the		
33	reorganization of the		
34	Department of Inland		
35	Fisheries and Wildlife		
36	and reestablishes 4 po-		
37	sitions: The Director		
38	of the Bureau of Admin-		
39	istrative Services; Di-		
40	rector of the Bureau of		
41	Resource Management;		
42	Fisheries Management		
43	Supervisor; and Accoun-		

1 tant III as Director of
2 the Division of Admin-
3 istrative Services.
4

5 TOTAL PART C \$ (4,630) \$ (31,100)

6 **Emergency clause.** This Act shall become effec-
7 tive on July 1, 1984, except that Part A, sections 1
8 to 5, 40, 44 to 57 and 73 shall become effective when
9 approved; Part A, section 20 (except for the Revised
10 Statutes, Title 12, section 7017), sections 21, 22
11 and 74 and Part C shall become effective on May 1,
12 1984; and sections 9 and 61 shall become effective on
13 July 1, 1985.

14 STATEMENT OF FACT

15 This bill implements the recommendations of the
16 Joint Standing Committee on Audit and Program Review
17 in accordance with the Maine Sunset Law. Part A
18 makes statutory amendments to repeal, modify or leave
19 intact the programs reviewed. Part B makes adjust-
20 ments to General Fund appropriations. Part C makes
21 adjustments to Inland Fisheries and Wildlife Fund al-
22 locations.

23 Sections 1 to 4 reschedule agencies for review in
24 the remainder of the first Sunset cycle.

25 Section 5 establishes the authority of the Joint
26 Standing Committee on Audit and Program Review to re-
27 view agencies outside the normal Sunset cycle.

28 Section 6 continues state agencies scheduled for
29 termination on June 30, 1984, under the Maine Sunset
30 Law.

31 Section 7 changes the title of the Director of
32 Planning and Program Services in the Department of
33 Conservation to Deputy Commissioner.

34 Section 8 makes participation in the Maine State
35 Retirement System voluntary for project employees of
36 the budworm program.

1 Section 9 eliminates distinction between the Pub-
2 lic Lands Management Fund and the Public Reserved
3 Lands Management Fund; requires legislative alloca-
4 tion of the expenditures of the Bureau of Public
5 Lands; and excludes lands formerly under the Maine
6 Forest Authority from the bureau's general municipal
7 revenue sharing requirement.

8 Sections 10 and 11 change the uses of submerged
9 lands for which leases are required, imposes an ad-
10 ministrative fee for leases and easements, and re-
11 quires the Bureau of Public Lands to charge users a
12 fair market rent, adjusted by the desirability of the
13 use.

14 Section 12 transfers responsibility for lands
15 formerly under the Maine Forest Authority to the Bu-
16 reau of Public Lands.

17 Section 13 allows the Director of the Bureau of
18 Parks and Recreation to authorize wood harvesting on
19 park lands under certain conditions.

20 Section 14 repeals the legislation allowing for
21 the establishment of coastal island trusts and trust
22 commissions.

23 Section 15 changes the membership of the Baxter
24 State Park Authority.

25 Section 16 enacts in statute language, formerly
26 in the private and special laws, providing for road
27 maintenance in Baxter State Park and increases the
28 limit on the amount the Department of Transportation
29 can spend.

30 Section 16 also requires the Baxter State Park
31 Authority to submit a biennial report to the Legisla-
32 ture.

33 Section 17 repeals legislation establishing the
34 Maine Forest Authority.

35 Section 18 directs the Commissioner of Conserva-
36 tion to integrate planning and operations among the
37 bureaus in the department.

1 Section 19 changes the title of the Director of
2 Planning and Program Services to Deputy Commissioner.

3 Sections 20, 21, 28, 31, 37 and 74 reorganize the
4 Department of Inland Fisheries and Wildlife and re-
5 quires the Legislature to allocate the funds of the
6 department, including balances carried from previous
7 fiscal years.

8 Section 22 removes the requirement that the Com-
9 missioner of Inland Fisheries and Wildlife obtain the
10 consent of the Inland Fisheries and Wildlife Advisory
11 Council to promulgate rules.

12 Section 23 provides that the expenses of the De-
13 partment of Inland Fisheries and Wildlife in search
14 and rescue efforts for individuals not engaged in ac-
15 tivities which require a permit from the department
16 be reimbursed from the General Fund.

17 Sections 24 and 59 allow the Department of Inland
18 Fisheries and Wildlife to sell commercial, but not
19 political, advertising in its publications and to
20 sell or lease photographs.

21 Section 25 allows the Commissioner of Inland
22 Fisheries and Wildlife to lease, as well as sell, un-
23 needed property.

24 Section 26 broadens the geographic scope of the
25 promotion of hunting, fishing and camping by the De-
26 partment of Inland Fisheries and Wildlife.

27 Section 27 requires the Commissioner of Inland
28 Fisheries and Wildlife to grant an agency for the
29 purpose of selling nonresident licenses to anyone who
30 is credit worthy and can sell 70 licenses each year.

31 Section 29 imposes a penalty on license agents
32 who are late in returning license revenues to the De-
33 partment of Inland Fisheries and Wildlife.

34 Section 30 requires the Commissioner of Inland
35 Fisheries and Wildlife to promulgate rules governing
36 the establishment of deer registration stations.

37 Section 32 removes the permit requirement of the

1 Alteration of Rivers, Brooks and Streams law within
2 the jurisdiction of the Maine Land Use Regulation
3 Commission.

4 Sections 33, 35, 38, 63 and 64 change the name of
5 the Division of Recreational Safety and Registration
6 to the Division of Licensing and Registration.

7 Section 34 requires the Commissioner of Inland
8 Fisheries and Wildlife to charge a fee for title
9 searches for watercraft.

10 Section 36 requires the Bureau of Parks and
11 Recreation to promulgate rules governing the distri-
12 bution of snowmobile trail grant funds.

13 Section 39 requires that proceeds from the sale
14 or lease of property purchased with funds from the
15 Forestry District Tax be credited to the fire Control
16 accounts.

17 Section 40 requires that revenue in spray project
18 accounts attributable to services funded from other
19 accounts to be credited to the accounts funding these
20 services.

21 Sections 41 and 42 allow state nurseries to sell
22 Christmas tree planting stock.

23 Section 43 requires that forest fire lookout tow-
24 ers be staffed in times of fire danger and that the
25 Director of the Bureau of Forestry notify the Legis-
26 lature of changes in the operation of the fire tower
27 system.

28 Sections 44 to 57 require the use and licensing
29 of spotters and monitors on forest insect aerial
30 spray programs; the licensing of spray contracting
31 firms; and the notification of the Board of Pesti-
32 cides Control and the public of spray programs.

33 Section 58 revises the statutes of the Board of
34 Certification of Water Treatment Plant Operators.

35 Section 60 corrects an error in the membership of
36 the Governor's Committee on Employment of the Handi-
37 capped.

1 Section 61 eliminates distinctions between the
2 Public Lands Management Fund and the Public Reserved
3 Lands Management Fund.

4 Section 62 clarifies that submerged and
5 intertidal lands owned by the State are not subject
6 to local property taxation.

7 Section 65 includes "locks" in the definitions of
8 boating facilities.

9 Section 66 removes the permit requirement of the
10 Great Ponds Act within the jurisdiction of the Maine
11 Land Use Regulation Commission.

12 Section 67 removes the subdivision permit re-
13 quirement of the Site Location Law within the juris-
14 diction of the Maine Land Use Regulation Commission.

15 Section 68 allows the Saco River Corridor Commis-
16 sion to retain fees from applications and certifi-
17 cates of compliance.

18 Section 69 repeals legislation providing for road
19 maintenance in Baxter State Park.

20 Section 70 requires the Department of Inland
21 Fisheries and Wildlife to submit to the Legislature
22 any major changes in the present operation of the
23 registration program for snowmobiles and watercraft.

24 Section 71 provides that hatchery workers in the
25 Department of Inland Fisheries and Wildlife hired af-
26 ter June 30, 1984, will work overtime only when nec-
27 essary and not as part of their regular workweek.

28 Section 72 reimburses the General Fund for the
29 operation of Songo Lock during fiscal year 1984.

30 Section 73 requires that revenue in spray project
31 accounts attributable to services funded from other
32 accounts be credited to the accounts funding these
33 services.

34 This bill makes changes in the appropriations,
35 allocations and revenues affecting the Department of
36 Conservation and the Department of Inland Fisheries

1 and Wildlife. The net reduction in General Fund ap-
2 propriations in Part B is \$37,770 for fiscal year
3 1985. Increased revenues to the General Fund should
4 amount to \$301,200 in fiscal year 1984 and \$457,580
5 in fiscal year 1985. The net deallocation to the In-
6 land Fisheries and Wildlife Fund in Part C is \$4,630
7 for fiscal year 1984 and \$31,100 for fiscal year
8 1985. Increased revenues to the Inland Fisheries and
9 Wildlife Fund should amount to \$42,000 in fiscal year
10 1985.

11

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