

MAINE STATE LEGISLATURE

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(New Draft of S.P. 770, L.D. 2077)

SECOND REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 2417

S.P.. 899

In Senate, April 2, 1984

Reported by Senator Diamond of Cumberland from the Committee on
Audit and Program Review and printed under Joint Rule 2.

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.

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

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

1 Whereas, certain independent agencies will termi-
2 nate unless continued by the Legislature prior to
3 June 30, 1984; and

4 Whereas, in the judgment of the Legislature,
5 these facts create an emergency within the meaning of
6 the Constitution of Maine and require the following
7 legislation as immediately necessary for the preser-
8 vation of the public peace, health and safety; now,
9 therefore,

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

12 PART A

13 Sec. 1. 3 MRSA §507, sub-§6, as repealed and re-
14 placed by PL 1979, c. 654, §3, is repealed and the
15 following enacted in its place:

16 6. Group C-1 and C-2 independent agencies.

17 A. Unless continued or modified by law, the fol-
18 lowing Group C-1 independent agencies shall ter-
19 minate, not including the grace period, no later
20 than June 30, 1984. The Baxter State Park Author-
21 ity shall not terminate, but shall be reviewed by
22 the Legislature no later than June 30, 1984:

23 (1) Baxter State Park Authority;

24 (2) Coastal Island Trust Commission;

25 (3) Saco River Corridor Commission;

26 (4) State Soil and Water Conservation Com-
27 mission;

28 (5) Inspector of Dams and Reservoirs;

29 (6) Board of Certification of Water Treat-
30 ment Plant Operators; and

31 (7) Keep Maine Scenic Committee.

1 B. Unless continued or modified by law, the fol-
2 lowing Group C-2 independent agencies shall ter-
3 minate, not including the grace period, no later
4 than June 30, 1985:

5 (1) Maine Sardine Council;

6 (2) Atlantic Sea Run Salmon Commission;

7 (3) Public Utilities Commission;

8 (4) State Development Office;

9 (5) Office of Energy Resources;

10 (6) Atlantic States Marine Fisheries Com-
11 mission;

12 (7) Maine Development Foundation;

13 (8) Board of Directors, Maine Municipal and
14 Rural Electrification Cooperative Agency;

15 (9) State Energy Resource Advisory Board;

16 (10) Low-level Waste Siting Commission;

17 (11) Lobster Advisory Council; and

18 (12) State Board of Examiners of Psycholo-
19 gists.

20 Sec. 2. 3 MRSA §507, sub-§7, as amended by PL
21 1983, c. 553, §46, is repealed and the following en-
22 acted in its place:

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

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

28 (1) Department of Business, Occupational
29 and Professional Regulation; and

30 (2) Department of Educational and Cultural
31 Services.

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

5 (1) Board of Trustees of the University of
6 Maine; and

7 (2) Board of Trustees of the Maine Maritime
8 Academy.

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

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

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

17 (1) Board of Directors of Energy Testing
18 Laboratory of Maine;

19 (2) State Historian;

20 (3) Historic Preservation Commission;

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

23 (5) Maine Historical Society; and

24 (6) Oil and Solid Fuel Board.

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

29 (1) Advisory Committee on Maine Public
30 Broadcasting;

31 (2) State Government Internship Program Ad-
32 visory Committee;

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

1 (22) Maine Vocational Development Commis-
2 sion;

3 (23) Post-secondary Education Commission of
4 Maine; and

5 (24) Maine Occupational Information Coordi-
6 nating Committee.

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

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

12 (1) Maine State Retirement System;

13 (2) Department of Attorney General;

14 (3) Department of Personnel; and

15 (4) Department of Labor.

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

20 (1) Department of Finance and Administra-
21 tion;

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

23 (3) Department of Audit.

24 Sec. 4. 3 MRSA §507, sub-§10, as amended by PL
25 1983, c. 579, §2, is repealed and the following en-
26 acted in its place:

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

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

- 1 (1) Board of Trustees, Group Accident and
2 Sickness or Health Insurance;
- 3 (2) Maine Commission for Women;
- 4 (3) Maine Human Rights Commission;
- 5 (4) Maine Labor Relations Board;
- 6 (5) Governor's Office of State Employee Re-
7 lations;
- 8 (6) State Personnel Board;
- 9 (7) Educational Leave Advisory Board; and
- 10 (8) Workers' Compensation Commission.

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

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

28 Sec. 5. 3 MRSA §507-A, as enacted by PL 1979, c.
29 338, §3, is amended by adding at the end a new para-
30 graph to read:

1 Given reasonable cause, the joint standing com-
2 mittee of the Legislature having jurisdiction over
3 audit and program review may review any aspect or el-
4 ement of any department or independent agency sched-
5 uled for review under this chapter when the committee
6 deems it necessary.

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

9 5. Agencies scheduled for termination on June
10 30, 1984. Pursuant to section 507, subsection 6, par-
11 agraph A, the following agencies, scheduled for ter-
12 mination on June 30, 1984, are continued or modified
13 by an Act of the Legislature passed prior to June 30,
14 1984:

15 A. Agency continued without modification:

16 (1) Keep Maine Scenic Committee.

17 B. Agency continued as modified by an Act of the
18 Legislature:

19 (1) Board of Certification of Water Treat-
20 ment Plant Operators.

21 6. Agencies scheduled for termination on June
22 30, 1984. The following agencies, scheduled for ter-
23 mination on June 30, 1984, pursuant to section 507,
24 subsection 6, paragraph A, shall continue, but shall
25 terminate, not including the grace period, no later
26 than June 30, 1985, unless continued or modified by
27 law:

28 A. Saco River Corridor Commission; and

29 B. State Soil and Water Conservation Commission.

30 Sec. 7. 5 MRSA §711, sub-§2, ¶A, as amended by
31 PL 1983, c. 349, §2; c. 480, §3; c. 489, §4; and c.
32 566, §1, is repealed and the following enacted in its
33 place:

34 A. The following positions in the following de-
35 partments are major policy-influencing positions.
36 These positions and their successor positions

1 shall be subject to this subsection, notwith-
2 standing any other provision of law:

3 (1) Department of the Attorney General:

4 (a) Deputy Attorneys General; and

5 (b) Assistant Attorneys General;

6 (1-A) Department of Agriculture, Food and
7 Rural Resources:

8 (a) Deputy Commissioners;

9 (b) Associate Commissioner for Policy
10 Development;

11 (c) Director, Bureau of Agricultural
12 Productions;

13 (d) Director, Bureau of Agricultural
14 Marketing;

15 (e) Director, Bureau of Agricultural
16 and Rural Resources;

17 (f) Director, Bureau of Public Ser-
18 vices; and

19 (g) Assistant to the Commissioner for
20 Public Information;

21 (2) Department of Business, Occupational
22 and Professional Regulation:

23 (a) Superintendent, Bureau of Banking;

24 (b) Superintendent, Bureau of Consumer
25 Credit Protection;

26 (c) Superintendent, Bureau of Insur-
27 ance; and

28 (d) Assistant to the Commissioner;

29 (3) Department of Conservation:

- 1 (a) Director, Administrative Services;
2 (b) Deputy Commissioner;
3 (c) Director, Bureau of Forestry;
4 (d) Director, Maine Geological Survey;
5 (e) Executive Director, Maine Land Use
6 Regulation Commission;
7 (f) Director, Bureau of Parks and
8 Recreation;
9 (g) Director, Bureau of Public Lands;
10 (h) Forest Insect Manager, Bureau of
11 Forestry;
12 (i) Assistant to the Commissioner for
13 Public Information; and
14 (j) Assistant to the Commissioner;
15 (4) Department of Educational and Cultural
16 Services:
17 (a) Assistant to the Commissioner;
18 (b) Deputy Commissioner;
19 (c) Associate Commissioner, Bureau of
20 School Management;
21 (d) Associate Commissioner, Bureau of
22 Instruction;
23 (e) Associate Commissioner, Bureau of
24 Vocational Education;
25 (f) Director, Planning and Management
26 Information; and
27 (g) Federal and State Education Pro-
28 gram Coordinator;
29 (4-A) Department of Environmental Protec-
30 tion:

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

- 1 (7) Maine Human Rights Commission:
2 (a) Executive Director; and
3 (b) Chief Compliance Officer;
4 (8) Department of Inland Fisheries and
5 Wildlife:
6 (a) Deputy Commissioner;
7 (b) Game Warden Colonel;
8 (c) Assistant to the Commissioner for
9 Public Information; and
10 (9) Maine State Lottery Commission:
11 (a) Deputy Director;
12 (10) Department of Labor:
13 (a) Director, Maine Job Training Coun-
14 cil;
15 (b) Director, Bureau of Labor Stan-
16 dards;
17 (c) Executive Director, Maine Labor
18 Relations Board;
19 (d) Assistant to the Commissioner;
20 (e) Assistant to the Commissioner for
21 Public Information;
22 (f) Director, Planning and Program
23 Services;
24 (g) Executive Director, Bureau of Em-
25 ployment Security;
26 (h) Executive Secretary, Maine Occupa-
27 tional Information Coordinating Commit-
28 tee; and
29 (i) Executive Director, Bureau of Em-
30 ployment and Training Programs;

1 (11) Department of Marine Resources:

2 (a) Deputy Commissioner;

3 (b) Chief, Bureau of Marine Patrol;
4 and

5 (c) Assistant to the Commissioner;

6 (12) Department of Mental Health and Mental
7 Retardation:

8 (a) Associate Commissioner;

9 (b) Director, Bureau of Mental Health;

10 (c) Superintendent, Augusta Mental
11 Health Institute;

12 (d) Superintendent, Bangor Mental
13 Health Institute;

14 (e) Director, Bureau of Mental Retar-
15 dation;

16 (f) Superintendent, Pineland Center;
17 and

18 (g) Director, Bureau of Corrections;

19 (13) Department of Defense and Veterans'
20 Services:

21 (a) Deputy Adjutant General;

22 (b) Director, Bureau of Civil Emergen-
23 cy Preparedness; and

24 (c) Director, Bureau of Veterans' Ser-
25 vices;

26 (14) Department of Public Safety:

27 (a) Chief, Bureau of State Police;

28 (b) Director, Bureau of Liquor En-
29 forcement;

1 (c) Director, Office of State Fire
2 Marshal;

3 (d) Director, Maine Criminal Justice
4 Academy;

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

7 (f) Assistant to the Commissioner; and

8 (g) Two Deputy Chiefs, State Police;

9 (15) Department of Secretary of State:

10 (a) Deputy Secretaries of State; and

11 (b) State Archivist;

12 (16) Department of Transportation:

13 (a) Deputy Commissioners;

14 (b) Chief Counsel, Bureau of Legal
15 Services;

16 (c) Assistant to the Commissioner; and

17 (d) Assistant to the Commissioner for
18 Public Information; and

19 (17) Department of Personnel:

20 (a) Assistant to the Commissioner; and

21 (b) Director, Planning and Operations.

22 Sec. 8. 12 MRSA §557, as amended by PL 1979, c.
23 683, §1, is further amended to read:

24 §557. Public Lands Management Fund

25 1. Public Lands Management Fund. To accomplish
26 the purposes of this chapter, there is established a
27 Public Lands Management Fund. All income received by
28 the Bureau of Public Lands pursuant to section 553,
29 subsection 3, paragraph E, excepting income from the

1 public reserved lots, shall be recorded on the books
2 of the State in a separate account and shall be de-
3 posited with the Treasurer of State, to be credited
4 to the Public Lands Management Fund.

5 2. Expenditure of funds. All moneys credited to
6 the Public Lands Management Fund shall be used to
7 produce a sustained yield of goods and services from
8 such lands for multiple use purposes in accordance
9 with the principles of sound planning and sound busi-
10 ness practice and for no other purpose. ~~So much of~~
11 ~~the funds raised from income designated in subsection~~
12 ~~1 and paid into the treasury as may be necessary to~~
13 ~~pay the claims, accounts and lawful demands arising~~
14 ~~under this chapter is appropriated to pay the same,~~
15 ~~and the Director of the Bureau of Public Lands shall~~
16 ~~authorize the State Controller to draw his warrant~~
17 ~~therefor at any time.~~ Any balance remaining shall
18 continue from year to year as a fund available for
19 the purposes set out in this section and for no other
20 purpose.

21 3. Compensation to municipalities. Notwithstand-
22 ing the other provisions of this section, 25% of the
23 net revenues from any public lands, excluding sub-
24 merged lands, public reserved lands and lands held
25 under section 560, and excluding proceeds from the
26 sale of land, located in municipalities and managed
27 by the Bureau of Public Lands, ~~other than public re-~~
28 ~~served lands,~~ shall be returned by the Treasurer of
29 State to the municipality wherein the land generating
30 the income is located, to be used for municipal pur-
31 poses. With respect to those public reserved lands
32 which were located in townships or tracts organized
33 into plantations as of March 1, 1974, when any such
34 plantation, subsequent to that date, becomes incorpo-
35 rated into a town, 75% of any income from residential
36 leasehold camps and 25% of any other income from such
37 public reserved land shall be returned by the Trea-
38 surer of State to the municipality wherein such pub-
39 lic reserved land is located, to be used for municipi-
40 pal purposes. With respect to stumpage income from
41 timber located on public reserved lands and leased
42 pursuant to Title 30, section 4162, subsection 4,
43 paragraph L, 50% of the income shall be returned by
44 the Treasurer of State to the lessee for its own pur-
45 poses. The director may approve the handling of in-

1 come from sales or permits for up to \$500 by the les-
2 sees. The lessees shall submit a semiannual account-
3 ing of this income and payment for the state's share
4 of the income.

5 4. Legislative approval of budget. Expenditures
6 from the Public Lands Management Fund are subject to
7 legislative approval in the same manner as appropri-
8 ations from the General Fund. No money may be ex-
9 pended without allocation by the Legislature. The
10 joint standing committee having jurisdiction over ap-
11 propriations shall approve the allocation.

12 Sec. 9. 12 MRSA §558, as enacted by PL 1979, c.
13 545, §2, is repealed.

14 Sec. 10. 12 MRSA §558-A is enacted to read:

15 §558-A. Submerged and intertidal lands owned by the
16 State

17 1. Definitions. As used in this section, unless
18 the context otherwise indicates, the following words
19 have the following meanings.

20 A. "Occupying" refers to the total area of the
21 structure or alteration itself to the extent that
22 the area within its boundaries is directly upon
23 or over the state-owned lands.

24 B. "Permanent" means occupying submerged and
25 intertidal lands owned by the State during 7 or
26 more months during any one calendar year.

27 2. Leases. The director may lease, for a term of
28 years not exceeding 30 and with conditions he deems
29 reasonable, the right to dredge, fill or erect perma-
30 nent causeways, bridges, marinas, wharves, docks,
31 pilings, moorings or other permanent structures on
32 submerged and intertidal land owned by the State.

33 A. For fill, permanent causeways, bridges,
34 marinas, wharves, docks, pilings, moorings or
35 other permanent structures:

36 (1) The director shall charge the lessee a
37 base rent that practically approximates the
38 fair market rental value of the land;

1 (2) The director may adjust the base rent,
2 decreasing it for desirable uses or increas-
3 ing it for undesirable ones. In determining
4 the desirability of uses, the director shall
5 consider the extent to which the use does
6 not impair the future use of the submerged
7 or intertidal land for fishing, fowling or
8 navigation, needs to be located on the sub-
9 merged land, and exploits natural renewable
10 resources of the water;

11 (3) The director may revalue rents every 5
12 years. For leases entered into before and
13 after July 1, 1984, rents shall not exceed
14 4¢ per square foot increased by 10% cumula-
15 tively for each year that has elapsed since
16 July 1, 1984, further adjusted by the cumu-
17 lative increase in the United States Consum-
18 er Price Index. Notwithstanding this limit,
19 if an appraisal of the value of the land un-
20 der a new or existing lease is performed,
21 the director may charge a rent based on
22 subparagraphs (1) and (2); and

23 (4) The director may also lease, for a pe-
24 riod of not more than 5 years, a buffer zone
25 of not more than 30 feet in width around a
26 permanent structure located on submerged or
27 intertidal land, provided the lease is nec-
28 essary to preserve the integrity and safety
29 of the structure and the Commissioner of Ma-
30 rine Resources consents to that lease.

31 B. For dredging, impounded areas and underwater
32 cables and pipelines, the director shall develop
33 such terms and conditions as he deems reasonable.

34 C. The director shall charge an administrative
35 fee of \$25 for each lease in addition to any
36 rent.

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

40 3. Easements. The director may grant, upon such
41 terms and conditions as he deems reasonable, but

1 without valuable consideration, except for a one-time
2 administrative fee of \$15, assignable easements for a
3 term of years not exceeding 30 for the use of sub-
4 merged and intertidal lands for the purposes permit-
5 ted in subsection 2, provided that that use:

6 A. Is for the exclusive benefit of the abutting
7 upland owner for charitable purposes as defined
8 in the United States Internal Revenue Code, Sec-
9 tion 501, (c) (3);

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

12 C. Occupies a total of not more than 2,000
13 square feet of state-owned land for the exclusive
14 purpose of landing or processing shellfish,
15 finfish or other natural products of the sea or
16 for other activities directly related to the pur-
17 pose of landing or processing shellfish, finfish
18 or natural sea products, including fueling, load-
19 ing or selling these products; or

20 D. Is for harbor improvement by the Federal Gov-
21 ernment.

22 4. Adjustment of terms. The director may adjust
23 from time to time, consistent with the provision of
24 this section, conditions applicable to any leasehold
25 or easement entered into under this section in any
26 parcel of state-owned submerged or intertidal land.
27 Rent shall not be charged for leases entered into
28 prior to July 1, 1984, if the actual use of the
29 leased land is eligible for an easement under subsec-
30 tion 3.

31 5. Review of uses. The director shall review
32 from time to time, in the case of easements, the pur-
33 poses for which the land conveyed has actually been
34 used, and in the event any such purpose is found to
35 be inconsistent with the criteria set forth in sub-
36 section 3 for eligibility for an easement, the ease-
37 ment shall terminate and the director may enter into
38 a leasehold agreement with the holder of the easement
39 in accordance with subsection 2.

1 6. Constructive easements. In the event the di-
2 rector fails to take final action on an application
3 for an easement for a project eligible for such ease-
4 ment under subsection 3 within 30 days after receipt
5 of the application, an easement for a term of 30
6 years on the state-owned land directly underlying the
7 project shall be deemed to have been granted. The
8 owners of all structures actually upon submerged and
9 intertidal lands on October 1, 1975, shall be deemed
10 to have been granted such an easement.

11 7. Consultation. The director shall consult with
12 the Commissioner of Conservation, Commissioner of Ma-
13 rine Resources, Commissioner of Inland Fisheries and
14 Wildlife and such other agencies or organizations as
15 he deems appropriate in developing and implementing
16 terms, conditions and consideration for conveyances
17 under this section. Notwithstanding section 551, the
18 director may determine to make proprietary convey-
19 ances under this section solely on the basis of the
20 issuance of environmental or regulatory permits by
21 other appropriate state agencies.

22 8. Rules. The director shall promulgate whatever
23 rules are necessary and appropriate to administer
24 this section.

25 Sec. 11. 12 MRSA §560 is enacted to read:

26 §560. Lands provided by Governor Baxter

27 1. Designation. The Bureau of Public Lands is
28 designated as the agency of the State to receive such
29 sums as are from time to time paid to the State by
30 the trustee under clause THIRD of a certain inter
31 vivos trust dated July 6, 1927, as from time to time
32 amended, created by the late Percival Proctor Baxter
33 for the purchase of forest lands for recreational and
34 reforestation purposes and by said trustee and by the
35 trustees of the Baxter State Park Trust Fund created
36 by Private and Special Law 1961, chapter 21, for the
37 care, protection and operation of such lands so pur-
38 chased or otherwise acquired.

39 2. Acquisition. With the approval of the commis-
40 sioner and the Legislature, the bureau may purchase,
41 with the funds paid to it by the trustee named in

1 this section and with money realized by the sale of
2 timber in the manner provided, real property for rec-
3 reational and reforestation purposes. The bureau
4 shall hold the land in trust for the benefit of the
5 people of the State for development, improvement,
6 use, reforestation and scientific forestry and the
7 production and sale of timber. Title to the property
8 shall be approved by the Attorney General and shall
9 be taken in the name of the State.

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

14 4. Revenues. Revenues derived from the sale of
15 timber shall be used for the care, management and ex-
16 ension of property acquired under the authority of
17 this section.

18 Revenues derived from public-access fees shall be
19 used for the protection of the property from fire,
20 insects, disease and other hazards; maintenance of
21 the property; protection and safety of the public;
22 and salaries of personnel employed for these pur-
23 poses. The Treasurer of State shall annually return
24 25% of the revenues derived from these fees to the
25 municipality within which the property lies, to be
26 used for the maintenance of public ways and for pub-
27 lic education within the municipality. If any parcel
28 of the property lies within 2 or more municipalities,
29 the percentage shall be prorated among the municipal-
30 ities according to the acreage of the parcel in each
31 municipality. If any parcel of the property lies in
32 unorganized territory, the percentage shall be re-
33 turned to the county in which the parcel lies for
34 general county purposes. If any parcel of the land
35 lies partly within a municipality and partly within
36 unorganized territory, the percentage shall be pro-
37 rated between the municipality and the county accord-
38 ing to the acreage of the parcel in each municipali-
39 ty.

40 Sec. 12. 12 MRSA §602, sub-§16, as enacted by PL
41 1979, c. 637, is amended to read:

1 16. Forest management. The bureau shall manage
2 forested areas within state parks to preserve to the
3 maximum practicable extent their natural recreational
4 and scenic qualities. The director may authorize em-
5 ployees of the Department of Conservation to harvest
6 wood in state parks for the use of the bureau. He may
7 authorize wood harvesting by others only when this
8 cutting is required by deed conditions on specific
9 lots wood harvesting on state park lands when the
10 wood is to be used by the bureau, when cutting is re-
11 quired by deed conditions on specific lots or when
12 necessary to improve wildlife habitat, control insect
13 infestation and other disease, reduce the risk of
14 fire or other hazards, improve the recreational and
15 aesthetic quality of the park lands or demonstrate
16 exemplary multiple use forest management techniques
17 within a demonstration forest area established on
18 state park land for educational purposes. All cut-
19 ting shall be subject to the following restrictions:

20 A. The cutting may not unreasonably impair the
21 recreational use, aesthetic qualities or natural
22 values of the land;

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

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

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

35 Sec. 13. 12 MRSA c. 204-A, as amended by PL
36 1975, c. 771, §135, is repealed.

37 Sec. 14. 12 MRSA c. 217, as amended, is re-
38 pealed.

39 Sec. 15. 12 MRSA §5012, first ¶, as enacted by
40 PL 1973, c. 460, §16, is amended to read:

1 The commissioner is the chief executive officer
2 of the Department of Conservation. He shall coordi-
3 nate and supervise the activities and programs of the
4 bureaus and agencies which are part of the depart-
5 ment; undertake comprehensive planning and analysis
6 with respect to the functions and responsibilities of
7 the department; and develop and implement, whenever
8 necessary, procedures and practices to promote econo-
9 my, efficiency and coordination in and between the
10 various agencies and bureaus of the department. He
11 shall reorganize or combine the bureaus of the de-
12 partment or the planning, operations and other func-
13 tions among the bureaus of the department as he deems
14 necessary to improve the efficiency of department
15 services. From time to time he shall recommend to the
16 Governor and Legislature such changes in the laws re-
17 lating to the organization, functions, services or
18 procedures of the agencies and bureaus of the depart-
19 ment as he shall deem desirable. The commissioner
20 shall prepare a budget for the department; and shall
21 organize and maintain within the department an admin-
22 istrative services division to which he may assign
23 personnel from the agencies and bureaus of the de-
24 partment.

25 Sec. 16. 12 MRSA §5012, 2nd and 3rd ¶¶, as en-
26 acted by PL 1977, c. 360, §18, are amended to read:

27 The commissioner shall have the power to appoint
28 a director of administrative services, a ~~director of~~
29 ~~planning and program services~~ deputy commissioner and
30 bureau heads as shall be necessary for the proper
31 performance of the duties of the department.

32 The director of administrative services and the
33 ~~director of planning and program services~~ deputy
34 commissioner shall serve at the pleasure of the com-
35 missioner.

36 Sec. 17. 12 MRSA c. 702 is enacted to read:

37 CHAPTER 702

38 DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

39 §7011. Department established

1 There is established the Department of Inland
2 Fisheries and Wildlife to preserve, protect and en-
3 hance the inland fisheries and wildlife resources of
4 the State; to encourage the wise use of these re-
5 sources; to ensure coordinated planning for the fu-
6 ture use and preservation of these resources; and to
7 provide for effective management of these resources.

8 The department shall consist of a Commissioner of
9 Inland Fisheries and Wildlife, deputy commissioner,
10 Bureau of Administrative Services, Bureau of Resource
11 Management and Bureau of Warden Service. It shall
12 also include the Board of Examiners for the Licensing
13 of Guides, the Junior Maine Guides and Trip Leaders'
14 Curriculum Board and whatever state agencies which
15 shall be designated. The department shall be under
16 the control and supervision of the commissioner.

17 §7012. Bureau of Administrative Services

18 There shall be the Bureau of Administrative Ser-
19 vices within the Department of Inland Fisheries and
20 Wildlife. The bureau shall be equal in organizational
21 level and status with other major organizational
22 units within the department or its successors. The
23 bureau shall be administered by a director who is im-
24 mediately responsible to the deputy commissioner. The
25 director shall possess full authority and responsi-
26 bility for administering all the powers and duties of
27 the bureau, subject to the direction of the commis-
28 sioner and except as otherwise provided by statute.
29 The responsibilities of the bureau shall include, but
30 not be limited to:

31 1. Financial accounting. The financial account-
32 ing of all department revenues and expenditures, in-
33 cluding long-range financial planning and the prepa-
34 ration of annual and biennial budgets;

35 2. Personnel activities. The administration of
36 all personnel activities;

37 3. Licensing and registration. The administra-
38 tion and issuance of department licenses, stamps and
39 permits and the registration of snowmobiles, water-
40 craft and all-terrain vehicles;

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

5 5. Land acquisition. The acquisition and devel-
6 opment of land for the protection, preservation and
7 enhancement of the inland fisheries and wildlife re-
8 sources; and

9 6. Equipment inventory. The maintenance of a
10 current inventory of all department-owned or
11 department-managed property.

12 §7013. Bureau of Resource Management

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

26 1. Wildlife management. The management of the
27 wildlife resources in the State for their preserva-
28 tion, protection, enhancement and use;

29 2. Fisheries management. The management of the
30 inland fisheries resources in the public waters of
31 the State for their preservation, protection, en-
32 hancement and use;

33 3. Propagation of fish. The propagation of fish
34 for the effective management of inland fisheries re-
35 sources in public waters of the State;

36 4. Habitat management. The management of habitat
37 for the protection, preservation, enhancement and use
38 of inland fisheries and wildlife resources;

1 5. Wildlife sanctuaries; wildlife management ar-
2 reas. The management of wildlife sanctuaries and wild-
3 life management areas for the State as designated in
4 chapter 713;

5 6. Data collection. The collection of data for
6 the effective management of the inland fisheries and
7 wildlife resources;

8 7. Research. Research activities for the effec-
9 tive management of the inland fisheries and wildlife
10 resources;

11 8. Alteration of rivers, streams and brooks. Ad-
12 ministration of chapter 713, subchapter VII, Altera-
13 tion of Rivers, Streams and Brooks; and

14 9. Rules. The development of rules governing the
15 effective management of the inland fisheries and
16 wildlife resources of the State.

17 §7014. Bureau of Warden Service

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

31 1. Wildlife - fisheries enforcement. Enforcement
32 of laws and department rules pertaining to the man-
33 agement and protection of the inland fisheries and
34 wildlife resources as further designated by section
35 7053;

36 2. Licensing - registration enforcement. En-
37 forcement of laws and department rules pertaining to
38 the registrations and operation of snowmobiles, wa-
39 tercraft and all-terrain vehicles;

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

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

7 5. Safety. The administration of programs for
8 hunter safety and for the safe operation of snowmo-
9 biles and watercraft;

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

13 7. Other. Other areas as specified in state law.

14 §7015. Division of Planning

15 There shall be, within the Department of Inland
16 Fisheries and Wildlife, a Division of Planning which
17 shall be responsible for developing both short-term
18 and long-term plans for the preservation, protection,
19 enhancement and use of inland fisheries and wildlife
20 resources. The division shall undertake activities as
21 directed.

22 §7016. Division of Public Information and Education

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

33 §7017. Department funds

34 1. Line-item budget. All funds of the department
35 shall be allocated by the Legislature, in the same
36 manner as are appropriations from the General Fund,
37 in a gross unified budget and shall be subject to the
38 transfer provisions of Title 5, section 1585.

1 2. Unencumbered balances. Any unencumbered allo-
2 cated balances, including existing balances, shall be
3 carried forward into the next fiscal year and shall
4 not be expended without allocation by the Legisla-
5 ture.

6 3. Revenues. Actual revenues received in excess
7 of that estimated and allocated by the Legislature
8 shall not be expended without allocation by the Leg-
9 islature.

10 4. Cash reserve. The department shall maintain
11 as practical a cash reserve for the purpose of ensur-
12 ing an adequate cash flow.

13 5. Bond issue. The department shall submit to
14 the joint standing committee of the Legislature hav-
15 ing jurisdiction over inland fisheries and wildlife
16 plans for a bond issue prior to submission of the
17 bond issue to the full Legislature.

18 6. Equipment. The department shall notify the
19 joint standing committee of the Legislature having
20 jurisdiction over inland fisheries and wildlife of
21 any heavy equipment purchases prior to their purchase
22 to include the name of the item and expected cost.
23 This same information shall be supplied prior to the
24 purchase of any vehicles. In addition, the depart-
25 ment shall develop and implement a formal replacement
26 schedule for the department's radio communication
27 system. This plan shall be reviewed by the joint
28 standing committee of the Legislature having juris-
29 isdiction over inland fisheries and wildlife.

30 Sec. 18. 12 MRSA §7034, sub-§1, as enacted by PL
31 1979, c. 420, §1, is amended to read:

32 1. Appointment of deputy. The commissioner shall
33 appoint, to serve at his pleasure, a Deputy Commis-
34 sioner of Inland Fisheries and Wildlife, who shall be
35 qualified by training and experience in fisheries and
36 wildlife management and conservation law enforcement.
37 Under the commissioner's direction, the deputy com-
38 missioner shall assist him in the performance of his
39 duties, particularly in- administration of the de-
40 partment.

1 A- Field work, including the inspection of
2 hatcheries and similar property;

3 B- Supervision of wardens; and

4 C- Inspection of warden service-

5 Sec. 19. 12 MRSA §7035, sub-§4, ¶B, as repealed
6 and replaced by PL 1981, c. 641, §1, is amended to
7 read:

8 B. The expenses of the department in search and
9 rescue efforts shall be paid from the General
10 Fund. The joint standing committee of the Legis-
11 lature having jurisdiction over inland fisheries
12 and wildlife shall report out a bill during each
13 regular session requesting General Fund moneys
14 for the full cost of search and rescue.

15 Sec. 20. 12 MRSA §7035, sub-§8, as enacted by PL
16 1979, c. 420, §1, is amended to read:

17 8. Sale of publications. If the commissioner
18 deems it advisable for the more effective dissemina-
19 tion of factual information, information of public
20 interest or information tending to promote better
21 public relations, he may fix the price, if any, of
22 certain publications and materials of the department,
23 and sell and deliver them. Publications and materials
24 included within this authority are all publications,
25 articles, biological and statistical data, profes-
26 sional and technical service reports by departmental
27 personnel and other materials in the department's
28 possession and pertaining to the department, except
29 publications of the laws in whatever form. These pub-
30 lications shall not carry any advertising of a polit-
31 ical nature, but may carry commercial advertising.

32 The commissioner may sell or lease photographs or
33 negatives owned by the department and may fix the
34 price, if any, giving consideration to their fair
35 market value.

36 Sec. 21. 12 MRSA §7035, sub-§9, as enacted by PL
37 1979, c. 420, §1, is amended to read:

1 9. Unneeded property. The Governor, on recommen-
2 dation of the commissioner, may sell and convey on
3 behalf of the State the interests of the State in
4 property taken or acquired by purchase under chapters
5 701 to 721 and deemed no longer necessary for the
6 purposes of those chapters. The commissioner, with
7 the approval of the Governor, may lease these same
8 properties. The proceeds from these sales or leases
9 shall be credited to the funds of the department.

10 Sec. 22. 12 MRSA §7035, sub-§11, as enacted by
11 PL 1981, c. 414, §5, is amended to read:

12 11. Promotion of hunting, fishing and camping.
13 The commissioner may implement a program designed to
14 promote fisheries and wildlife resources and attract
15 hunters and fishermen to the State. This program may
16 include coordination of activities between the public
17 and private sectors and utilization of promotional
18 missions ~~throughout New England and New York~~, exhib-
19 its, brochures, technical assistance and expertise as
20 necessary to develop and promote hunting, fishing and
21 camping activities within the State. The commissioner
22 shall coordinate this program with the activities of
23 the State Development Office. Any purchases made as a
24 result of that coordination shall be by competitive
25 bid.

26 Sec. 23. 12 MRSA §7072, as enacted by PL 1979,
27 c. 420, §1, is repealed and the following enacted in
28 its place:

29 §7072. Appointment of agents

30 1. Appointment. The commissioner may appoint
31 clerks of towns or such other agents as he deems nec-
32 essary to issue licenses and permits. The commission-
33 er shall determine the period during which the agents
34 shall act.

35 2. Businesses under common ownership. In the
36 case of stores or businesses under a common owner
37 serving as agents, each store or business location
38 shall be an agent. Provided that individual applica-
39 tions are submitted, they can be forwarded from a
40 central location in the case of businesses under com-
41 mon ownership.

1 3. Agents for the purpose of selling licenses to
2 nonresidents. Agents for the purpose of selling li-
3 licenses to nonresidents shall be appointed as follows.

4 A. The commissioner shall designate as an agent
5 for the purpose of selling nonresident licenses
6 any business which submits a complete applica-
7 tion, is credit worthy and has not violated any
8 provision of this Part. A business, the agency
9 of which is revoked, may reapply for an agency
10 for the 2nd year following the last year it held
11 an agency.

12 B. An applicant for an agency shall submit a
13 nonrefundable \$30 application fee with the appli-
14 cation and a \$30 fee each year thereafter for re-
15 newal.

16 Sec. 24. 12 MRSA §7074, sub-§4, as enacted by PL
17 1979, c. 420, §1, is repealed.

18 Sec. 25. 12 MRSA §7074, sub-§5 is enacted to
19 read:

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

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

30 B. If the agent has not paid the amount owed by
31 the 60th day after he becomes delinquent, the
32 commissioner shall assess a surcharge of 5% of
33 the principal amount owed.

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

37 (1) Terminate the agency for the balance of
38 the year; and

1 (2) Order that the agency not be renewed
2 for the next year.

3 Sec. 26. 12 MRSA §7457, sub-§2, as amended by PL
4 1981, c. 27, is further amended to read:

5 2. Registration. The commissioner shall
6 establish promulgate rules in accordance with the
7 Maine Administrative Procedure Act, Title 5, chapter
8 375, governing the establishment and closure of deer
9 registration stations for the purpose of registering
10 all deer killed.

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

13 B. A list of deer registration stations shall be
14 published in one or more daily newspapers of the
15 State.

16 C. Deer registration agents shall:

17 (1) Register every deer legally presented
18 for registration;

19 (2) Attach a metal seal to each deer in the
20 manner directed and with the materials fur-
21 nished by the commissioner;

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

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

25 D. All deer killed under section 7102 shall be
26 inspected by a warden before being registered un-
27 der this subsection. If the warden finds the deer
28 to have been legally killed by bow and arrow, he
29 shall approve the deer for registration.

30 Sec. 27. 12 MRSA §7757, sub-§2, as enacted by PL
31 1983, c. 526, §2, is amended to read:

32 2. Report and allocation. The Commissioner of
33 Inland Fisheries and Wildlife shall include a report
34 on the Maine Endangered and Nongame Wildlife Fund as
35 part of the report submitted to the Governor pursuant

1 to section 7034. This report shall also be submitted
2 to the joint standing committee of the Legislature
3 having jurisdiction over inland fisheries and wild-
4 life. The commissioner shall submit a budget for each
5 biennium in accordance with Title 5, sections 1663 to
6 1666. The State Controller shall authorize expendi-
7 tures from the fund as approved by the commissioner
8 allocated by the Legislature.

9 Sec. 28. 12 MRSA §7780, sub-§3 is enacted to
10 read:

11 3. Maine Land Use Regulation Commission jurisdic-
12 tion. Notwithstanding section 7776, a permit shall
13 not be required from the commissioner provided:

14 A. The Maine Land Use Regulation Commission's
15 standards for the alterations will not be ex-
16 ceeded where standards for stream alterations are
17 established by the commission; or

18 B. A permit has been obtained from the Maine
19 Land Use Regulation Commission for the altera-
20 tions.

21 Sec. 29. 12 MRSA §7791, sub-§2, as enacted by PL
22 1979, c. 420, §1, is amended to read:

23 2. Division. "Division" means the Division of
24 ~~Recreational Safety~~ Licensing and Registration, a
25 part of the Department of Inland Fisheries and Wild-
26 life.

27 Sec. 30. 12 MRSA §7794-A is enacted to read:

28 §7794-A. History of ownership

29 1. Request. The commissioner or his designee
30 shall provide on request a written record of the his-
31 tory of past ownership of any watercraft which re-
32 quires a certificate of number under this subchapter.
33 The request shall be made on forms provided by the
34 commissioner.

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

1 Sec. 31. 12 MRSA §7800, sub-§3, as amended by PL
2 1981, c. 414, §37, is further amended to read:

3 3. Disbursement of revenues. All revenues col-
4 lected under this subchapter, including fines, fees
5 and other available moneys, less all administrative
6 costs of the Division of ~~Recreational Safety~~
7 Licensing and Registration, shall be disbursed for
8 each fiscal year, when final accounting records are
9 determined for that fiscal year, to the Department of
10 Inland Fisheries and Wildlife and the Department of
11 Marine Resources. The disbursement shall be 2/3 to
12 the Department of Inland Fisheries and Wildlife and
13 1/3 to the Department of Marine Resources, and shall
14 be used to defray the costs of enforcing this sub-
15 chapter.

16 Sec. 32. 12 MRSA §7824, sub-§4, ¶B, as amended
17 by PL 1981, c. 698, §78, is further amended to read:

18 B. The Bureau of Parks and Recreation is autho-
19 rized to use the moneys credited to the Snowmo-
20 bile Trail Fund of the Bureau of Parks and Recre-
21 ation to make grants-in-aid to political subdivi-
22 sions, educational institutions, regional plan-
23 ning agencies, snowmobile groups and others for
24 the construction and maintenance of snowmobile
25 trails and for research, development and planning
26 of snowmobile trails ~~on such terms as the bureau~~
27 ~~determines necessary.~~

28 (1) The For all grants to be disbursed af-
29 ter July 1, 1984, the bureau shall determine
30 what trails will be eligible promulgate
31 rules specifying how to apply for the
32 grants, which projects are eligible and the
33 formula for state support.

34 (2) The bureau may charge a reasonable fee
35 for these services and materials when the
36 moneys credited to it under this paragraph
37 are insufficient to satisfy the demand for
38 the services and materials. All fees so col-
39 lected shall be deposited in the Snowmobile
40 Trail Fund of the Bureau of Parks and Recre-
41 ation.

1 (3) If any of these moneys are not expended
2 during the year in which they are collected,
3 the unexpended balance shall not lapse, but
4 shall be carried as a continuing account
5 available for the purposes specified until
6 expended.

7 Sec. 33. 12 MRSA §7910, sub-§2, as enacted by PL
8 1979, c. 420, §1, is repealed.

9 Sec. 34. 12 MRSA §7950, first ¶, as enacted by
10 PL 1979, c. 420, §1, is amended to read:

11 A certificate, signed by the commissioner or a
12 person designated by him, stating what the records of
13 the Division of ~~Recreational~~ Safety Licensing and
14 Registration show on any given matter is admissible
15 in evidence in all courts of this State to prove what
16 the records of the division are on that matter.

17 Sec. 35. 12 MRSA §8003, sub-§3, ¶M, as amended
18 by PL 1979, c. 663, §69, is further amended to read:

19 M. The director is authorized, with the consent
20 of the commissioner, to sell, grant, lease,
21 transfer or otherwise convey any real or personal
22 property under the jurisdiction of the bureau.
23 The director shall deposit the proceeds from the
24 sale or lease of property purchased with Maine
25 Forestry District tax funds in Forest Fire Control
26 Accounts. This authority shall not apply to
27 the state nursery or lands acquired under the au-
28 thority of paragraph N.

29 Sec. 36. 12 MRSA §8426, sub-§3, ¶C is enacted to
30 read:

31 C. Any revenue deposited in spray project spe-
32 cial accounts attributable to services funded
33 from other state accounts shall be credited to
34 the accounts funding these services. If the Gen-
35 eral Fund funded these services, the revenue
36 shall be credited to the General Fund Undedicated
37 Revenue Account. In the case where the original
38 source cannot be determined, these funds shall be
39 deposited in the General Fund.

1 Sec. 37. 12 MRSA §8701, sub-§1, as amended by PL
2 1979, c. 663, §70, is further amended to read:

3 1. Establishment; purpose. The director may es-
4 tablish within the State one or more forest nur-
5 series, the maintenance of which shall be paid for
6 from the appropriation for that purpose. The object
7 of these nurseries is to furnish at cost forest tree
8 seedlings, transplants and shrub material for use in
9 planting the present and potential forest lands with-
10 in the State. Christmas tree planting stock may be
11 grown in the event that the director determines that
12 additional stock is needed to sustain the Christmas
13 tree industry in the State. The Christmas tree
14 planting stock shall be sold at competitive market
15 prices.

16 Sec. 38. 12 MRSA §8701, sub-§3, as enacted by PL
17 1979, c. 545, §3, is amended to read:

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

26 Sec. 39. 12 MRSA §8906, sub-§2, as amended by PL
27 1983, c. 367, is further amended to read:

28 2. Equipment. The director may establish lookout
29 stations connected by telephone and radio, and con-
30 struct, equip and maintain office-storehouse head-
31 quarters for necessary supplies, tools and equipment
32 and provide for any other facilities essential for
33 forest fire control. All fire lookout towers shall be
34 staffed during periods of fire danger. The director
35 shall notify the joint standing committees of the
36 Legislature having jurisdiction over energy and natu-
37 ral resources and appropriations and financial af-
38 airs in writing prior to implementing any major pol-
39 icy changes in the operation and staffing of the fire
40 lookout tower system. Within the Maine Forestry Dis-
41 trict, the director may, in addition to this subsec-
42 tion, construct and maintain roads and trails. In the

1 event the director determines that any currently active
2 fire tower should not be reopened for the subsequent
3 fire season, he shall provide notice to the Legislature
4 of his intended action by January 15th. This notice shall
5 include the location of the fire towers affected and the
6 justifications for the closure. Notice of closures shall
7 be reviewed by the joint standing committee of the Legislature
8 having jurisdiction over natural resources. Unless the
9 Legislature determines otherwise, the director may close
10 towers so indicated.
11

12 Sec. 40. 22 MRSA §1471-C, as amended by PL 1981,
13 c. 374, §§1 and 2, is further amended by adding before
14 subsection 1 a new paragraph to read:

15 As used in this chapter, the following words have
16 the following meanings.

17 Sec. 41. 22 MRSA §1471-C, sub-§§16-A, 16-B,
18 16-C, 23-A, 23-B and 23-C are enacted to read:

19 16-A. Major forest insect aerial spray application.
20 "Major forest insect aerial spray application"
21 means a project to apply pesticides against a forest
22 insect pest by aerial application over an area con-
23 taining at least 1,000 acres in the aggregate.

24 16-B. Minor forest insect aerial spray application.
25 "Minor forest insect aerial spray application"
26 means a project to apply pesticides against a forest
27 insect pest by aerial application over an area con-
28 taining less than 1,000 acres in the aggregate.

29 16-C. Monitor. "Monitor" means a person working
30 on a public or private forest insect aerial spray ap-
31 plication project whose primary responsibilities are
32 to observe and record meteorological conditions dur-
33 ing spray operations, observe and record spray depo-
34 sition, prepare the spray period report and who has
35 the authority to cease spray applications when condi-
36 tions require it.

37 23-A. Spotter. "Spotter" means a person working
38 on a public or private forest insect aerial spray ap-
39 plication project who is responsible for ordering the
40 cessation of spraying over water bodies and other
41 nontarget areas.

1 23-B. Spray contracting firm. "Spray contracting
2 firm" means a person, as defined in this section, em-
3 ployed or contracted to conduct a public or private
4 forest insect aerial spray application. This term
5 does not include the owner or lessee of land to be
6 sprayed, employees of that landowner or lessee, the
7 Bureau of Forestry, the employees of the Bureau of
8 Forestry or individuals who are certified as commer-
9 cial applicators.

10 23-C. Spray period. "Spray period" means any pe-
11 riod of a forest insect aerial spray application
12 project during which pesticides are applied and which
13 is demarcated from another spray period by at least a
14 2-hour cessation in pesticide application.

15 Sec. 42. 22 MRS §1471-D, sub-§1, as enacted by
16 PL 1975, c. 397, §2, is repealed and the following
17 enacted in its place:

18 1. Certification required; commercial applica-
19 tors and spray contracting firms. Certification is
20 required for commercial applicators and spray con-
21 tracting firms as follows.

22 A. No commercial applicator may use or supervise
23 the use of any pesticide within the State without
24 prior certification from the board, provided that
25 a competent person who is not certified may use
26 such a pesticide under the direct supervision of
27 a certified applicator; and

28 B. No spray contracting firm may use or super-
29 vise the use of any pesticide in a major or minor
30 forest insect aerial spray application project
31 within the State without prior certification from
32 the board.

33 Sec. 43. 22 MRS §1471-D, sub-§2-B is enacted to
34 read:

35 2-B. Certification required; spotters and
36 monitors. No person may:

37 A. Act as a spotter without prior certification
38 from the board; or

1 B. Act as a monitor without prior certification
2 from the board.

3 **Sec. 44.** 22 MRSA §1471-D, sub-§4, as amended by
4 PL 1977, c. 20, §3, is further amended to read:

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

27 **Sec. 45.** 22 MRSA §1471-D, sub-§5, as enacted by
28 PL 1975, c. 397, §2, is amended to read:

29 5. Issuance. No license or certification shall
30 may be issued by the board, unless the board deter-
31 mines that the standards for licensing and certifica-
32 tion have been met as to those categories for which
33 the applicant has applied and qualified. In the case
34 of the spotter and monitor, the board shall set mini-
35 mal proficiency requirements with the understanding
36 that the board may choose to change these standards
37 from time to time. The enforcement personnel of the
38 Board of Pesticides Control shall be certified to
39 meet at least the minimal proficiency requirements
40 required of spotters and monitors. If a license or
41 certification is not issued as applied for, the board
42 shall provide written notice to the applicant of the
43 reasons therefor. The license or certificate may be

1 issued upon such terms and conditions as the board
2 deems necessary for the protection of the public
3 health, safety and welfare, and for enforcement and
4 administration of this chapter and the rules ~~and~~
5 ~~regulations~~ promulgated ~~hereunder~~ pursuant to this
6 chapter.

7 Sec. 46. 22 MRSA §1471-D, sub-§6, as amended by
8 PL 1981, c. 374, §4, is further amended to read:

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

23 If the board fails to renew a license upon applica-
24 tion of the licensee or certificate holder, it shall
25 afford the licensee or certificate holder an opportu-
26 nity for a hearing in conformity with Title 5, chap-
27 ter 375, subchapter IV.

28 Sec. 47. 22 MRSA §1471-D, sub-§7, ¶B, as amended
29 by PL 1981, c. 374, §5, is further amended to read:

30 B. The board shall notify the licensee, ~~the cer-~~
31 ~~tified applicator or the government pesticide~~
32 ~~supervisor or certificate holder~~ of the temporary
33 suspension, indicating the basis therefor and in-
34 forming the licensee, ~~the certified applicator or~~
35 ~~the supervisor or certificate holder~~ of the right
36 to request a public hearing.

37 Sec. 48. 22 MRSA §1471-D, sub-§7, ¶C, as amended
38 by PL 1981, c. 374, §6, is further amended to read:

39 C. If the licensee, ~~the certified applicator or~~
40 ~~the supervisor or certificate holder~~ fails to re-

1 quest a hearing within 20 days of the date of
2 suspension, such right shall be deemed waived. If
3 the licensee, ~~the certified applicator or the~~
4 supervisor or certificate holder requests such a
5 hearing, notice shall be given at least 20 days
6 prior to the hearing to the licensee, ~~the certi-~~
7 fied applicator or the supervisor or certificate
8 holder and to appropriate federal and state agen-
9 cies. In addition, public notice shall be given
10 by publication in a newspaper of general circula-
11 tion in the State and such other publications as
12 the board deems appropriate.

13 Sec. 49. 22 MRSa §1471-D, sub-§8, as amended by
14 PL 1981, c. 470, Pt. A, §67, is further amended to
15 read:

16 8. Revocation. The Administrative Court may sus-
17 pend or revoke the certification or license of ~~an ap-~~
18 plicator, government pesticide supervisor or pesti-
19 cide dealer a licensee or certificate holder upon a
20 finding that the applicant:

21 A. Is no longer qualified;

22 B. Has engaged in fraudulent business practices
23 in the application or distribution of pesticides;

24 C. Used or supervised the use of pesticides ap-
25 plied in a careless, negligent or faulty manner
26 or in a manner which is potentially harmful to
27 the public health, safety or welfare or the envi-
28 ronment;

29 D. Has stored, transported or otherwise distrib-
30 uted pesticides in a careless, faulty or negli-
31 gent manner or in a manner which is potentially
32 harmful to the environment or to the public
33 health, safety or welfare;

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

36 F. Has made a pesticide recommendation, use or
37 application, or has supervised such use or appli-
38 cation, inconsistent with the labelling or other
39 restrictions imposed by the board;

1 G. Has made false or fraudulent records or re-
2 ports required by the board under this chapter or
3 under regulations pursuant thereto;

4 H. Has been subject to a criminal conviction un-
5 der section 14 (b) of the amended FIFRA or a fi-
6 nal order imposing a civil penalty under section
7 14 (a) of the amended FIFRA; or

8 I. Has had the license or certificate, which
9 supplied the basis for the Maine license or cer-
10 tification pursuant to subsection 10, revoked or
11 suspended by the appropriate federal or other
12 state government authority.

13 Sec. 50. 22 MRSA §1471-G, sub-§2, as enacted by
14 PL 1975, c. 397, §2, is amended to read:

15 2. Applicators and firms to maintain certain
16 records. All commercial applicators and spray con-
17 tracting firms shall maintain, for a period of at
18 least 2 years, records indicating the type and amount
19 of pesticide used, the area of use and such other in-
20 formation as the board may require. Said applicators
21 and firms shall provide such information, notifica-
22 tion and reports as the board, by regulation, may re-
23 quire.

24 Sec. 51. 22 MRSA §1471-M, sub-§1, ¶D, as amended
25 by PL 1981, c. 470, Pt. A, §68, is further amended to
26 read:

27 D. Establish the standards for issuance and re-
28 newal of licenses of pesticide dealers. These
29 standards shall include, but not be limited to,
30 requirements concerning transportation of pesti-
31 cides, the applicant's knowledge of applicable
32 federal and state statutes and regulations, and
33 the applicant's understanding of the dangers in-
34 volved and the precautions necessary for the safe
35 storage and distribution of pesticides; and

36 Sec. 52. 22 MRSA §1471-M, sub-§1, ¶E, as enacted
37 by PL 1975, c. 397, §2, is amended to read:

1 E. Establish guidelines and requirements for re-
2 porting of information by commercial applicators
3 and, pesticide dealers, spray contracting firms
4 and monitors to the board;

5 Sec. 53. 22 MRSA §1471-M, sub-§1, ¶¶G and H are
6 enacted to read:

7 G. Establish standards for the certification and
8 renewal of certification of spotters and
9 monitors; and

10 H. Establish standards for the certification and
11 renewal of certification of spray contracting
12 firms.

13 Sec. 54. 22 MRSA §§1471-R, 1471-S and 1471-T are
14 enacted to read:

15 §1471-R. Notification and monitoring

16 1. Purpose. The purpose of this section is to
17 protect the public health and safety by requiring a
18 system of notification to the public and to the board
19 for forest insect aerial spray projects and by im-
20 proving the monitoring of these projects.

21 2. Scope. The requirements of this section apply
22 to public and private forest insect aerial spray pes-
23 ticide applications.

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

27 A. If the project is a major forest insect aeri-
28 al spray application, as defined in section
29 1471-C, the notification shall be as follows.

30 (1) At least 14 days, but not more than 30
31 days, prior to spray application, notice
32 shall be published in a newspaper of general
33 circulation in the area affected. The notice
34 shall describe the proposed spray activity,
35 the area to be sprayed, the pesticide to be
36 used, the date or dates on which the spray-
37 ing is proposed to take place, any public

1 precautions which appear on the pesticide
2 label and the name, address and telephone
3 number of persons responsible for the activi-
4 ty from whom more specific information re-
5 garding spray areas and times may be ob-
6 tained.

7 (2) Any additions of spray blocks or
8 changes in the choice of insecticides from
9 the notification required pursuant to sub-
10 paragraph (1) shall be published in a news-
11 paper of general circulation in the area af-
12 ected at least 24 hours before the change
13 is effected.

14 (3) Notice shall be conspicuously posted at
15 each point of major ingress and egress of
16 the public into the area to be sprayed, in-
17 cluding, without limitation, marked foot
18 trails known to be used by the public and
19 roads accessible to 4-wheeled vehicles and
20 open to the public. The notice shall con-
21 tain the information described in subpara-
22 graph (1). The board shall determine the
23 time period the notice shall be posted prior
24 to the commencement and following the com-
25 pletion of the spray project.

26 B. If the project is a minor forest insect aeri-
27 al spray application, as defined in section
28 1471-C, the notification shall be as follows: No-
29 tice in a newspaper of general circulation in the
30 areas affected at least 4 days, but not more than
31 10 days, before the commencement of spray appli-
32 cation. The notice shall contain the information
33 required in paragraph A, subparagraph (1).

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

39 4. Notification to the board. Written notice
40 shall be given to the board:

1 A. At least 15 days, but not more than 30 days,
2 prior to the commencement of a major forest in-
3 sect aerial spray application; or

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

6 The notice shall contain the information required under
7 subsection 3, paragraph A, subparagraph (1), and
8 shall also include any other information which is re-
9 quired by the board. The notice shall be on such form
10 as the board may prescribe.

11 5. Reports. The following reports shall be pre-
12 pared.

13 A. Following the completion of each spray period,
14 a written spray period report prepared by the
15 monitor, as defined in section 1471-C, shall be
16 made available to the board within a reasonable
17 time period established by the board.

18 The report shall describe the spray activity,
19 shall certify the area actually sprayed and the
20 pesticide used, weather conditions at the time, a
21 map showing where spray booms were turned on and
22 off and any nontarget areas that were sprayed,
23 and the date and time on which spraying took
24 place. The report shall be on such form and filed
25 in accordance with such procedure as the board
26 may prescribe.

27 B. In the event that a reportable spray incident
28 occurs, a spray incident report shall be
29 telephoned to the board immediately following the
30 completion of each spray period. A reportable
31 spray incident is a misapplication which may re-
32 sult in a potential threat to public health or
33 the environment, including, without limitation:
34 Failure to turn off spray booms over sensitive
35 areas such as water bodies or human habitation;
36 aircraft accidents involving chemical spills; and
37 accidental discharge of insecticide, causing risk
38 to human health. The report shall be on such
39 form and filed in accordance with such procedure
40 as the board may prescribe.

1 The spray contracting firm or applicator shall be
2 responsible for complying with the requirements
3 of this section.

4 C. A project report as described in the board's
5 regulations shall be filed in accordance with
6 such procedure as the board may prescribe.

7 6. Responsibility. The following parties shall
8 be responsible for complying with the requirements of
9 this section, unless otherwise noted:

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

13 B. In the case of any other forest insect aerial
14 spray activities, the landowner or the
15 landowner's representative, or, if the land is
16 leased, the lessee.

17 §1471-S. Requirement for spotters and monitors

18 Major public and private forest insect aerial
19 spray projects shall employ spotters and monitors, as
20 defined in section 1471-C. These personnel shall be
21 certified pursuant to section 1471-D, subsection 2-B.
22 At least one spotter and one monitor shall be with
23 each spray aircraft or spray aircraft team during all
24 spray application activities. A spotter or monitor
25 shall not serve as the pilot of any aircraft involved
26 in the spray project.

27 §1471-T. Exemption

28 The board may exempt a person from compliance
29 with one or more of the requirements of sections
30 1471-R and 1471-S, if the board finds that the exemp-
31 tion will not result in any unreasonable risk to the
32 public's health, safety or general welfare and is
33 otherwise in the public interest. Any request for
34 exemption shall be made in writing to the board and
35 shall state the reasons for the request. The board
36 shall not grant any exemption, except following no-
37 tice to the public and opportunity for hearing. No-
38 tice and opportunity for hearing shall be in a manner
39 as the board may prescribe and may be at variance

1 with the requirements of the Maine Administrative
2 Procedure Act, Title 5, chapter 375, to the extent
3 that the board deems necessary under the circum-
4 stances.

5 Sec. 55. 22 MRSA c. 601, sub-c. III, as amended,
6 is further amended to read:

7 SUBCHAPTER III

8 LICENSURE OF OPERATORS

9 §2621. Definitions

10 As used in this subchapter, unless the context
11 otherwise indicates, the following words ~~shall~~ have
12 the following meanings.

13 1. Board. "Board" ~~shall mean~~ means the Board for
14 ~~Certification~~ Licensure referred to in this subchap-
15 ter.

16 2. License. "~~Certificate~~" "License" ~~shall mean~~
17 means a certificate license issued by the board stat-
18 ing that the applicant has met the requirements for
19 the specified operator classification.

20 §2622. Classification of public water systems and
21 parts thereof

22 The commissioner shall classify all public water
23 systems and the water treatment plants or collection,
24 treatment or storage facilities or structures that
25 are part of a system with due regard to the size and
26 type of facilities, the character of water to be
27 treated and any other physical conditions affecting
28 such system or part thereof and specify the qualifi-
29 cations the operator of the system or of a part of a
30 system must have to supervise successfully the opera-
31 tion of the system or parts thereof so as to protect
32 the public health or prevent nuisance conditions.

33 The commissioner, with the advice of the board,
34 shall establish the criteria and conditions for the
35 classification of public water systems and water
36 treatment plants or collection, treatment or storage
37 facilities or structures that are part of a system.

1 The commissioner, with the advice of the board,
2 may establish classes of public water supply systems
3 which do not require licensed individuals as opera-
4 tors.

5 §2623. Applicability

6 The board shall certify persons as to their com-
7 petency to supervise successfully the operation of a
8 public water system or of a part of a system. It is
9 unlawful for any person to perform the duties of an
10 operator, as defined, without being duly licensed un-
11 der this subchapter, except as provided in section
12 2630.

13 §2624. Board of Licensure

14 The Governor shall appoint a Board of
15 ~~Certification~~ Licensure composed of 5 6 persons as
16 follows: Two operators who shall be ~~certified as to~~
17 ~~competency~~ licensed under this chapter, with one of
18 these holding a ~~certificate~~ license of the highest
19 classification issued by the board; one person who
20 shall be from the Department of Human Services, as
21 the commissioner may recommend; one person who shall
22 be a water utility management representative; and one
23 person who shall be an educator whose field of inter-
24 est is related to water supply; and one member of the
25 general public.

26 Each member of the board, with the exception of
27 the ex officio member from the Department of Human
28 Services, shall be appointed for a 3-year term. Va-
29 cancies shall be filled by appointment of the Gover-
30 nor for unexpired terms.

31 Members of the board, ~~at the call of the commis-~~
32 ~~sioner,~~ shall ~~organize and~~ elect from their number a
33 chairman at the first meeting of each year. On all
34 matters before the board, the chairman may vote only
35 in case of a tie among the other members present and
36 voting. Thereafter, annually, a chairman shall be
37 elected. The Department of Human Services representa-
38 tive of the board shall serve as secretary of the
39 board and be responsible for maintaining records and
40 providing administrative support.

1 The board shall hold at least one examination
2 each year at a time and place designated by them for
3 the purpose of examining candidates for
4 certifications licensure. Additional meetings may be
5 called by the chairman, or by him at the request of
6 any other 2 members, as may be necessary to carry out
7 this chapter.

8 The members of the board shall serve without com-
9 pensation, except for their actual and necessary ex-
10 penses incurred while discharging their official du-
11 ties.

12 The board shall license persons to supervise the
13 operation of a public water system or of a part of a
14 system.

15 ~~The commissioner with the advice of the board~~
16 ~~shall establish the criteria and conditions for the~~
17 ~~classification of public water systems and water~~
18 ~~treatment plants or collection, treatment or storage~~
19 ~~facilities or structures that are part of a system.~~

20 The board with the advice of the commissioner
21 shall establish by regulation the qualifications,
22 conditions and licensing standards and procedures for
23 the certification licensure of individuals to act as
24 operators.

25 ~~The commissioner, with the advice of the board,~~
26 ~~may establish classes of public water supply systems~~
27 ~~which do not require certified individuals as opera-~~
28 ~~tors.~~

29 §2625. Licenses

30 The board shall issue certificates biennial
31 licenses to individuals to act as operators. The
32 certificate license shall indicate the classification
33 level of the systems or parts of systems for the op-
34 eration of which the individual is qualified to act
35 as an operator.

36 Certificates shall continue in effect unless re-
37 voiced, but shall remain the property of the board,
38 and the certification shall so state.

1 The board may file a complaint with the Adminis-
2 trative Court to revoke a certificate license of an
3 operator when the board determines that the operator
4 has practiced fraud or deception; that he has been
5 negligent in that reasonable care, judgment or the
6 application of his knowledge or ability was not used
7 in the performance of his duties; or that the opera-
8 tor is incompetent or unable to perform his duties
9 properly.

10 The certificate licenses of operators who termi-
11 nate their employment at a public water system shall
12 remain renewable for 3 years. After 3 years, the
13 certificate licenses shall be automatically invali-
14 dated. Operators whose certificate licenses are in-
15 validated under this section may be issued new
16 certificate licenses of a like classification pro-
17 vided appropriate proof of competency is presented to
18 the board.

19 This chapter shall not be construed to effect or
20 prevent the practices of any other legally recognized
21 profession.

22 When the unexpired term of license of an appli-
23 cant is or will be more than one year at the time of
24 licensure, the board may require the applicant to pay
25 an additional fee not to exceed 1/2 the biennial li-
26 cence fee.

27 Applications for a first examination shall be re-
28 ceived by the board at least 5 days prior to a sched-
29 uled meeting of the board. The passing grade on any
30 portion of the examination shall be not less than
31 70%. A candidate failing one examination may apply
32 for reexamination, which may be granted upon payment
33 of a fee established by the board. Any candidate for
34 registration having an average grade of less than 50%
35 may not apply for reexamination for 6 months.

36 §2625-A. Renewals

37 All licenses shall expire on December 31st of
38 each biennial period and may be renewed thereafter
39 for 2-year periods without further examination, upon
40 the payment of the proper renewal fee as set forth in
41 the board's rules. Any person who fails to renew his

1 license within the 6-month grace period following the
2 expiration date shall be required to take an examina-
3 tion.

4 The board shall notify everyone registered under
5 this subchapter of the date of expiration of his li-
6 cence and the fee required for its renewal for a
7 2-year period. The notice shall be mailed to the
8 person's last-known address at least 30 days in ad-
9 avance of the expiration date of his license.

10 §2626. License from outside of Maine

11 The board, upon application therefor, may issue a
12 ~~certificate~~ license without examination, in a compa-
13 rable classification, to any person who holds a
14 ~~certificate~~ license in any state, territory or pos-
15 session of the United States or any country, provid-
16 ing the requirements for ~~certification~~ licensure of
17 operators under which the person's ~~certificate~~
18 license was issued does not conflict with this chap-
19 ter and in the opinion of the board are of a standard
20 not lower than that specified by regulations adopted
21 under this chapter.

22 §2627. License from owner of particular system

23 ~~Certificates~~ Licenses may be issued without exam-
24 ination to the person or persons certified by the
25 governing body or owner to have been in direct re-
26 sponsible charge of a water treatment plant or a wa-
27 ter distribution or public water system between Octo-
28 ber 1, 1966 and October 1, 1969. A ~~certificate~~
29 license so issued shall be valid only for that par-
30 ticular classification level of treatment plant or
31 system.

32 §2628. Rules

33 The board, with the advice of the commissioner in
34 accordance with any other appropriate state laws,
35 shall make such rules and ~~regulations~~ as are reason-
36 ably necessary to carry out the intent of this sub-
37 chapter. The rules and ~~regulations~~ shall include, but
38 are not limited to, provisions establishing require-
39 ments for ~~certification~~ licensure and procedures for
40 examination of candidates and such other provisions

1 as are necessary for the administration of this sub-
2 chapter.

3 §2629. Fees

4 Upon payment of a fee not to exceed \$25 and com-
5 pletion of an application for examination, the appli-
6 cant shall be scheduled for an examination. The ap-
7 plication fees, biennial renewal fees and reinstatement
8 fees shall be established by the board by rule
9 and shall be based upon different classifications of
10 water treatment systems and the levels of competence
11 to operate various water systems. The application fee
12 shall not exceed \$35, the biennial renewal fee shall
13 not exceed \$30. The revenues derived from the fees
14 shall be deposited by the board in a special account
15 to be used to defray the expenses incurred by the
16 board. Revenues derived from applicants failing the
17 examination shall be retained by the board.

18 §2630. Licensure; temporary conditional waiver

19 On and after October 1, 1971, it shall be unlaw-
20 ful for any supplier of water to operate a public wa-
21 ter system unless the competency of the operator or
22 operators is duly certified by the board under this
23 subchapter. It shall be unlawful for any person to
24 perform the duties of an operator, as defined, with-
25 out being duly certified under this subchapter.

26 If a supplier of water loses its certified
27 licensed operator, it shall secure a new certified
28 licensed operator or enter into a contractual agree-
29 ment with a certified licensed operator of proper
30 classification until a new operator has been employed
31 for the supplier of water.

32 The commissioner may, in the event of extenuating
33 circumstances, issue a waiver of the certification
34 licensure requirements for a period not exceeding 13
35 months. In granting the waiver, the commissioner may
36 impose such terms, conditions or requirements as, in
37 his judgment, are necessary to protect the public
38 health and interest.

39 Holders of a water treatment plant operator's
40 certificate valid as of June 30, 1984, shall be

1 deemed to hold a license expiring on the same day as
2 the certificate.

3 §2631. Violations

4 1. Violation. Any person violating any provision
5 of this subchapter or the rules and regulations
6 adopted under this subchapter, commits a civil viola-
7 tion for which a forfeiture of not more than \$500 may
8 be adjudged. Each day of operation in violation of
9 this subchapter or any rules and regulations adopted
10 under this subchapter shall constitute a separate vi-
11 olation.

12 2. Injunctive relief. The commissioner may com-
13 mence or cause to be instituted a civil action in the
14 Superior Court under subsection 1, to seek injunctive
15 relief to prevent the violation of this subchapter,
16 to prevent the violation of any rule or regulation
17 issued pursuant to this subchapter or to require a
18 public water system or supplier of water to take oth-
19 er action necessary to comply with this subchapter,
20 with or without a prior order from the commissioner
21 or department.

22 In addition to the county in which the principal
23 place of business of the supplier of water is lo-
24 cated, the action may be instituted in the Superior
25 Court of Kennebec County.

26 Sec. 56. 25 MRSA §3705 is enacted to read:

27 §3705. Exception for certain publications of the De-
28 partment of Inland Fisheries and Wildlife

29 Nothing in this chapter may prevent persons who
30 are not law enforcement officers from selling the ad-
31 vertising space in promotional and educational publi-
32 cations of the Department of Inland Fisheries and
33 Wildlife.

34 Sec. 57. 26 MRSA §800, first ¶, as enacted by PL
35 1983, c. 176, Pt. A, §9, is amended to read:

36 §800. Membership

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

12 Sec. 58. 30 MRSA §4163, as amended by PL 1981,
13 c. 396, §2, is further amended to read:

14 §4163. Funds from public reserved lands

15 All income received by the State Director of the
16 Bureau of Public Lands from the public reserved
17 lands, except income provided for in section 4166,
18 shall be deposited with the Treasurer of State, to be
19 credited to a Public Reserved Lands Management Fund
20 which is hereby established as a nonlapsing dedicated
21 fund. Moneys credited to the Public Reserved Lands
22 Management Fund shall be available for expenditure by
23 the Director of the Bureau of Public Lands for the
24 purposes set forth in section 4162 without limitation
25 as to fiscal year.

26 Expenditures from the Public Reserved Lands Man-
27 agement Fund are subject to legislative approval in
28 the same manner as appropriations from the General
29 Fund. No money may be expended without allocation by
30 the Legislature. The joint standing committee of the
31 Legislature having jurisdiction over appropriations
32 and financial affairs shall approve the allocation.

33 The Director of the Bureau of Public Lands shall
34 use 50% of the net income derived from camp leases on
35 public reserved lands under section 4162, subsection
36 4 for the construction and maintenance of public
37 overnight campsites and other camping and recreation-
38 al facilities.

39 Sec. 59. 36 MRSA §651, sub-§1, ¶B, as amended by
40 PL 1981, c. 595, §4, is further amended to read:

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

3 Sec. 60. 36 MRSA §1503, sub-§3, as enacted by PL
4 1983, c. 92, Pt. B, §9, is amended to read:

5 3. Director. "Director" means the Director of
6 the Division of ~~Recreational~~ Safety Licensing and
7 Registration, Department of Inland Fisheries and
8 Wildlife.

9 Sec. 61. 36 MRSA §1506, as enacted by PL 1983,
10 c. 92, Pt. B, §9, is amended to read:

11 §1506. Rulemaking

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

20 Sec. 62. 38 MRSA §321, first ¶, as amended by PL
21 1973, c. 460, §19, is further amended to read:

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

31 Sec. 63. 38 MRSA §391, as enacted by PL 1977, c.
32 123, §2, is amended by adding at the end a new para-
33 graph to read:

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

1 Sec. 64. 38 MRSA §482, sub-§2, as amended by PL
2 1981, c. 449, §§4 and 9, is further amended to read:

3 2. Development which may substantially affect
4 the environment. "Development which may substantially
5 affect the environment," in this Article called "de-
6 velopment," means any state, municipal, quasi-municipal,
7 educational, charitable, commercial or industrial
8 development, including subdivisions, which occu-
9 pies a land or water area in excess of 20 acres, or
10 which contemplates drilling for or excavating natural
11 resources, on land or under water where the area af-
12 ected is in excess of 60,000 square feet, or which
13 is a mining activity, or which is a hazardous activi-
14 ty, or which is a structure; but excluding state
15 highways, state aid highways, and, borrow pits for
16 sand, fill or gravel, of less than 5 acres or when
17 regulated by the Department of Transportation, and
18 such borrow pits entirely within the jurisdiction of
19 the Maine Land Use Regulation Commission under, chap-
20 ter 206-A.

21 No person shall construct or cause to be constructed
22 or operate or cause to be operated, or in the case of
23 a subdivision sell, offer for sale, or cause to be
24 sold, any development requiring approval under sec-
25 tion 483 without first having obtained approval for
26 such construction, operation or sale from the Board
27 of Environmental Protection.

28 Sec. 65. 38 MRSA §488, as amended by PL 1983, c.
29 369, is further amended by adding at the end a new
30 paragraph to read:

31 Development which consists only of a subdivision
32 or subdivisions located entirely within the area of
33 the State subject to the jurisdiction of the Maine
34 Land Use Regulation Commission under Title 12, chap-
35 ter 206-A, is exempt from the requirements of this
36 Article.

37 Sec. 66. 38 MRSA §965, as enacted by PL 1979, c.
38 459, §1, is amended to read:

39 §965. Fees

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

15 **Sec. 67. Snowmobile and watercraft registration.**
16 The Department of Inland Fisheries and Wildlife shall
17 submit any major changes in the present operation of
18 the registration program for snowmobile and water-
19 craft to the joint standing committee of the Legisla-
20 ture having jurisdiction over inland fisheries and
21 wildlife for review prior to implementation.

22 **Sec. 68. Transfer from Boating Facilities Fund.**
23 The amount of \$8,000 shall be transferred from the
24 Boating Facilities Fund in the Bureau of Parks and
25 Recreation to General Fund Undedicated Revenue to re-
26 imburse the General Fund for expense associated with
27 operating the Songo Lock in fiscal year 1984.

28 **Sec. 69. Spray project accounts.** A total of
29 \$382,505 that had been deposited in spray project
30 special accounts from program years 1979 to 1983 that
31 was generated by services funded from other accounts
32 shall be credited to those accounts that provided the
33 services. Two hundred eighty-nine thousand, one hun-
34 dred thirty-six dollars shall be transferred to Gen-
35 eral Fund Undedicated Revenue and the remainder to
36 dedicated and special revenue accounts to reimburse
37 them fully for program year 1983 direct costs and for
38 a pro rata portion of their direct costs in program
39 years 1979 to 1982.

40 **Sec. 70. Reorganization of Department of Inland**
41 **Fisheries and Wildlife.** There shall be a reorganiza-
42 tion of the Department of Inland Fisheries and Wild-
43 life following the guidelines prescribed in this Act

1 and the 5th annual report of the Joint Standing Com-
2 mittee on Audit and Program Review issued during the
3 Second Regular Session of the 111th Legislature.
4 This reorganization shall take place within the ex-
5 isting resources of the department and the realloca-
6 tion of fish and wildlife funds in this Act. If ad-
7 ditional funds are needed for the purpose of reorga-
8 nization, the department shall use salary savings
9 from Personal Services.

10 It is the Legislature's intent that the reorgani-
11 zation shall give attention to using existing staff
12 resources wherever possible. Further, the elimina-
13 tion of positions of the Director of the Division of
14 Fisheries and Hatcheries and Director of the Division
15 of Wildlife Management shall become effective upon
16 the vacancy of these positions, but not before the
17 effective date of this Act.

18 **Sec. 71. Reimbursement of General Fund for the**
19 **State Nursery Supervisor.** The General Fund shall be
20 reimbursed by the dedicated nursery funds for the
21 amount of personal services the nursery received
22 since April 8, 1981, to the present, for the current
23 supervisor, after the nursery has repayed its capital
24 advance, or earlier, if possible.

25 **Sec. 72. Direct service field personnel.** In re-
26 organizing the Bureau of Forestry, the bureau shall
27 allocate its resources to maximize the provision of
28 direct in-the-field service and minimize the re-
29 sources devoted to administration of the bureau and
30 its programs.

31 **PART B**

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

38 <u>DEPARTMENT OR AGENCY</u>	<u>APPROPRIATIONS</u>
39	<u>FROM THE GENERAL FUND</u>
40	<u>1984-85</u>

1 CONSERVATION, DEPARTMENT OF
2 Parks General Operations
3 Personal Services (\$ 8,000)
4 Transfers 2 seasonal
5 positions to the Boat-
6 ing Facilities Fund to
7 operate Songo Lock.

8 TREASURER OF STATE (OFFICE OF)
9 Treasurer - Debt Service
10 All Other (3,040)
11 This decrease in appro-
12 priations for debt ser-
13 vice is offset by a
14 transfer from the bond
15 redemption account of
16 unused bond funds au-
17 thorized by Private and
18 Special Law 1971, chap-
19 ter 140, for develop-
20 ment of parks at Tyler
21 Pond, Damariscotta Lake
22 and Poland totaling
23 \$3,040.

24
25 TOTAL PART B (\$11,040)

26 PART C

27 Adjustments to Inland Fisheries and Wildlife
28 Fund. To provide for necessary adjustments of the
29 Inland Fisheries and Wildlife Fund to implement the
30 recommendations of the Joint Standing Committee on
31 Audit and Program Review, allocations are adjusted by
32 the amounts designated in the following tabulations.

	<u>1983-84</u>	<u>1984-85</u>
33		
34	<u>INLAND FISHERIES AND WILDLIFE,</u>	
35	<u>DEPARTMENT OF</u>	
36	Fish and Wildlife - Central	
37	Administrative Services	
38	\$(16,490)	\$(103,200)
	Unallocated	

1 This provides for the
 2 reorganization of the
 3 Department of Inland
 4 Fisheries and Wildlife
 5 which includes the
 6 elimination of 3 posi-
 7 tions on May 1, 1984,
 8 to include the Staff
 9 Attorney, Business Man-
 10 ager and Accountant II.
 11 Two positions, the Di-
 12 rector of the Division
 13 of Wildlife Management
 14 and the Director of the
 15 Division of Fisheries
 16 and Hatcheries shall be
 17 eliminated in accord-
 18 ance with Part A, sec-
 19 tion 70 and an addi-
 20 tional position, a
 21 Fisheries Biologist
 22 III, shall be changed
 23 to reflect the job
 24 functions of Fisheries
 25 Management Supervisor.

26	Fish and Wildlife - Central		
27	Administrative Services		
28	Unallocated	\$16,490	\$103,200

29 This provides for the
 30 reorganization of the
 31 Department of Inland
 32 Fisheries and Wildlife
 33 and reestablishes 4 po-
 34 sitions: The Director
 35 of the Bureau of Admin-
 36 istrative Services; Di-
 37 rector of the Bureau of
 38 Resource Management;
 39 Fisheries Management
 40 Supervisor; and Account-
 41 ant III as Director of
 42 the Division of Admin-
 43 istrative Services.
 44

45	TOTAL PART C	\$ -0-	\$ -0-
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1 Emergency clause. This Act shall be come effective
2 tive on July 1, 1984, except that Part A, sections 1
3 to 5, 36 and 69 shall become effective when approved;
4 Part A, section 17 (except for the Revised Statutes,
5 Title 12, section 7017), 18 and 70 and Part C shall
6 become effective on May 1, 1985; Part A, sections 40
7 to 54 shall be come effective January 1, 1985; and
8 sections 8 and 58 shall become effective July 1,
9 1985.

10 STATEMENT OF FACT

11 This new draft implements the recommendations of
12 the Joint Standing Committee on Audit and Program Re-
13 view in accordance with the Maine Sunset Law. Part
14 A makes statutory amendments to repeal, modify or
15 leave intact the programs reviewed. Part B makes ad-
16 justments to General Fund appropriations. Part C
17 makes adjustments to Inland Fisheries and Wildlife
18 Fund allocations.

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

21 Section 5 establishes the authority of the Joint
22 Standing Committee on Audit and Program Review to re-
23 view any aspect or element of any department or inde-
24 pendent agency scheduled for review.

25 Section 6 continues state agencies scheduled for
26 termination on June 30, 1984, under the Maine Sunset
27 Law.

28 Section 7 changes the title of the Director of
29 Planning and Program Services in the Department of
30 Conservation to Deputy Commissioner and removes the
31 position of Assistant to the Commissioner in the De-
32 partment of Inland Fisheries and Wildlife.

33 Section 8 requires legislative allocation of the
34 expenditures of the Bureau of Public Lands and ex-
35 cludes lands formerly under the Maine Forest Authori-
36 ty from the the bureau's general municipal revenue
37 sharing requirement.

38 Sections 9 and 10 change the uses of submerged

1 lands for which leases are required, imposes an ad-
2 ministrative fee for leases and easements, and re-
3 quires the Bureau of Public Lands to charge users a
4 fair market rent, adjusted by the desirability of the
5 use.

6 Section 11 transfers responsibility for lands
7 formerly under the Maine Forest Authority to the Bu-
8 reau of Public Lands.

9 Section 12 allows the Director of the Bureau of
10 Parks and Recreation to authorize wood harvesting on
11 park lands under certain conditions.

12 Section 13 repeals the legislation allowing for
13 the establishment of coastal island trusts and trust
14 commissions.

15 Section 14 repeals legislation establishing the
16 Maine Forest Authority.

17 Section 15 directs the Commissioner of Conserva-
18 tion to integrate planning and operations among the
19 bureaus in the department.

20 Section 16 changes the title of the Director of
21 Planning and Program Services to deputy commissioner.

22 Sections 17, 18, 24, 27, 33 and 70 reorganize the
23 Department of Inland Fisheries and Wildlife and re-
24 quire the Legislature to allocate the funds of the
25 department, including balances carried from previous
26 fiscal years.

27 Section 19 provides that the expenses of the De-
28 partment of Inland Fisheries and Wildlife in search
29 and rescue efforts for individuals not engaged in ac-
30 tivities which require a permit from the department
31 be reimbursed from the General Fund.

32 Sections 20 and 56 allow the Department of Inland
33 Fisheries and Wildlife to sell commercial, but not
34 political, advertising in its publications and to
35 sell or lease photographs.

36 Section 21 allows the Commissioner of Inland
37 Fisheries and Wildlife to lease, as well as sell, un-

1 needed property.

2 Section 22 broadens the geographic scope of the
3 promotion of hunting, fishing and camping by the De-
4 partment of Inland Fisheries and Wildlife.

5 Section 23 requires the Commissioner of Inland
6 Fisheries and Wildlife to grant an agency for the
7 purpose of selling nonresident licenses to anyone who
8 is credit worthy.

9 Section 25 imposes a penalty on license agents
10 who are late in returning license revenues to the De-
11 partment of Inland Fisheries and Wildlife.

12 Section 26 requires the Commissioner of Inland
13 Fisheries and Wildlife to promulgate rules governing
14 the establishment of deer registration stations.

15 Section 28 amends the Alteration of Rivers,
16 Brooks and Streams Act to provide that alterations
17 within the jurisdiction of the Maine Land Use Regula-
18 tion Commission need no permit if they meet Maine
19 Land Use Regulation Commissions requirements.

20 Sections 29, 31, 34, 60 and 61 change the name of
21 the Division of Recreational Safety and Registration
22 to the Division of Licensing and Registration.

23 Section 30 requires the Commissioner of Inland
24 Fisheries and Wildlife to charge a fee for title
25 searches for watercraft.

26 Section 32 requires the Bureau of Parks and
27 Recreation to promulgate rules governing the distri-
28 bution of snowmobile trail grant funds.

29 Section 35 requires that proceeds from the sale
30 or lease of property purchased with funds from the
31 Maine Forestry District tax be credited to the Forest
32 Fire Control Accounts.

33 Section 36 requires that revenue in spray project
34 accounts attributable to services funded from other
35 accounts to be credited to the accounts funding these
36 services.

1 Sections 37 and 38 allow state nurseries to sell
2 Christmas tree planting stock.

3 Section 39 requires that forest fire lookout tow-
4 ers be staffed in times of fire danger and that the
5 Director of the Bureau of Forestry notify the Legis-
6 lature of changes in the operation of the fire tower
7 system.

8 Sections 40 to 54 require the use and licensing
9 of spotters and monitors on forest insect aerial
10 spray programs; the licensing of spray contracting
11 firms; and the notification of the Board of Pesti-
12 cides Control and the public of spray programs.

13 Section 55 revises the statutes of the Board of
14 Certification of Water Treatment Plant Operators.

15 Section 57 corrects an error in the membership of
16 the Governor's Committee on Employment of the Handi-
17 capped.

18 Section 58 eliminates distinctions between the
19 Public Lands Management Fund and the Public Reserved
20 Lands Management Fund.

21 Section 59 clarifies that submerged and
22 intertidal lands owned by the State are not subject
23 to local property taxation.

24 Section 62 includes "locks" in the definitions of
25 boating facilities.

26 Section 63 removes the permit requirement of the
27 Great Ponds Act within the jurisdiction of the Maine
28 Land Use Regulation Commission.

29 Section 64 removes the gravel pit permit require-
30 ment of the Site Location Law within the jurisdiction
31 of the Maine Land Use Regulation Commission.

32 Section 65 removes the subdivision permit re-
33 quirement of the Site Location Law within the juris-
34 diction of the Maine Land Use Regulation Commission.

35 Section 66 allows the Saco River Corridor Commis-
36 sion to retain fees from applications and certifi-

1 cates of compliance.

2 Section 67 requires the Department of Inland
3 Fisheries and Wildlife to submit to the Legislature
4 any major changes in the present operation of the
5 registration program for snowmobiles and watercraft.

6 Section 68 reimburses the General Fund for the
7 operation of Songo Lock during fiscal year 1984.

8 Section 69 requires that revenue in spray project
9 accounts attributable to services funded from other
10 accounts be credited to the accounts funding these
11 services.

12 Section 71 requires the Maine State Nursery to
13 reimburse the General Fund for the supervisor's sala-
14 ry.

15 Section 72 requires the Department of Conserva-
16 tion to give priority to field staff over administra-
17 tive staff in reorganizing the Bureau of Forestry.

18 This new draft makes changes in appropriations, allo-
19 cations and revenues affecting the Department of Con-
20 servation and the Department of Inland Fisheries and
21 Wildlife. The net reduction in General Fund appro-
22 priations in Part B is \$11,040 for fiscal year 1985.
23 Increased revenues to the General Fund should amount
24 to \$289,136 in fiscal year 1984 and \$8,000 in fiscal
25 year 1985. Repayment for the nursery supervisor's
26 salary should result in future revenue to the General
27 Fund of approximately \$68,000. Increased revenues to
28 the Inland Fisheries and Wildlife Fund should amount
29 to \$45,250 in fiscal year 1985.

30 6518032984