

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

7. Private school transportation	277,931
8. Costs for pupils placed directly by the State and institutional residents	378,000
Total	\$ 173,039,963

The breakdown shall be as follows:

	1978-79
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF	
General purpose aid for local schools	
All Other	\$ 173,039,963

Sec. 5. Limit of state's obligation. In the event that the state's computed obligation for any individual program contained within sections 2 and 4 exceeds the level of funding provided for that program, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual program. Any unexpended balance from sections 2 and 4 shall not lapse, but shall be carried forward to be used for the same purpose.

Sec. 6. Appropriation. There is appropriated from the General Fund to the Department of Education and Cultural Services the sum of (\$5,200,000) for the fiscal year ending June 30, 1978, and (\$168,652,370) for the fiscal year ending June 30, 1979, to carry out the purpose of this Act.

The breakdown shall be as follows:

	1977-78	1978-79
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF		
General purpose aid for local schools		
All Other	(\$ 5,200,000)	(\$ 168,652,370)

PART J

	Total Appropriations	
	1977-78	1978-79
Total General Fund	(\$ 2,518,635)	\$ 14,353,560

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

Effective April 6, 1978 Unless otherwise indicated.

CHAPTER 713

AN ACT Making Certain Substantive Revisions to the Marine Resources Statutes.

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

Sec. 1. 12 MRSA § 6024, sub-§ 1, first sentence, as enacted by PL 1977, c. 661, § 5, is repealed and the following enacted in its place:

The advisory council shall consist of 9 members. Each member shall be appointed by the Governor and shall be subject to review by the Joint Standing Committee on Marine Resources and to confirmation by the Legislature.

Sec. 2. 12 MRSA § 6074, sub-§ 4, as enacted by PL 1977, c. 661, § 5, is amended by adding at the end a new sentence to read:

The commissioner may, at any time, place conditions or limitations on the licensed activities which shall become part of the license.

Sec. 3. 12 MRSA § 6405, as enacted by PL 1977, c. 661, § 5, is amended by adding at the end a new sentence to read:

The commissioner may extend the time period if adverse weather conditions or other circumstances beyond the control of the license holder prevent removal within that time period.

Sec. 4. 12 MRSA § 6421, sub-§ 7, as enacted by PL 1977, c. 661, § 5, is amended to read:

7. Fee. The fee for the license shall be ~~\$20~~ \$25 for applicants 17 years of age or older and \$10 for those under 17.

Sec. 4-A. 12 MRSA § 6433, sub-§ 1, ¶ E, last sentence, as enacted by PL 1977, c. 661, § 5, is repealed.

Sec. 4-B. 12 MRSA § 6433, sub-§ 1, as enacted by PL 1977, c. 661, § 5, is amended by inserting at the end the following new paragraph:

The escape vents or gaps shall be installed or made in the parlor sections of the trap on the side or end next to the sill or on the top of the parlor section or, with the vertical gap, in the end of the parlor sections.

Sec. 5. 12 MRSA § 6451, sub-§ 1, as enacted by PL 1977, c. 661, § 5, is amended to read:

1. Allocation of license fees. ~~Five dollars of~~ Ten dollars of each \$25 fee and five dollars of each \$10 fee for each lobster and crab fishing license fee shall be allocated to the Lobster Fund, which shall be used for the purpose of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters.

Sec. 6. 12 MRSA § 6571, sub-§ 2, as enacted by PL 1977, c. 661, § 5, is amended to read:

2. Purse seines prohibited. From April 10th to October 15th, both days

inclusive, it shall be unlawful to use a purse seine. This subsection shall not prohibit the seining of mackeral or the use of a purse seine to remove the fish caught in a weir or stop seine.

Sec. 7. 12 MRSA § 6623, sub-§ 2, as enacted by PL 1977, c. 661, § 5, is repealed and the following enacted in its place:

2. Special license for dredging. The commissioner may issue a special license, as provided under section 6074, to operate a hydraulic or mechanical soft shell clam dredge, provided the dredge design is approved by the commissioner. A transportation permit shall not be required to ship, transport or sell soft shell clams harvested under this special license. The dredge shall only be operated below low water. The operation of the dredge shall not substantially interfere with commercial digging and shall not be used for taking any marine worms, lobsters or other crustaceans.

Sec. 8. 12 MRSA § 6751, sub-§ 2, as enacted by PL 1977, c. 661, § 5, is amended to read:

2. Licensed activity. The holder of a marine worm digger's license may fish for or take marine worms or possess, ship, transport or sell within the State, ~~at retail or to the holder of a marine worm dealer's license,~~ worms he has taken.

Sec. 9. Effective date. This Act shall become effective on January 1, 1979.

Effective January 1, 1979

CHAPTER 714

AN ACT Concerning the Catastrophic Illness and Medically Needy Programs.

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

Sec. 1. 22 MRSA § 3172, sub-§ 1-A is enacted to read:

1-A. Application. "Application" is the action by which an individual indicates in writing to the department his desire to receive or to be recertified for assistance under this chapter. An application is distinguished from an inquiry, which is simply a request for information about eligibility requirements for assistance.

Sec. 2. 22 MRSA § 3173, as amended by PL 1977, c. 582, § 2, is repealed and the following enacted in its place: