

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
IN ACCORDANCE WITH MAINE REVISED STATUTES
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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

Sec. 101. 20-A MRSA §15714, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§15714. Remedies

A holder of bonds or coupons and the trustee under a trust agreement, except to the extent the rights may be restricted by that trust agreement, may, by civil action, protect and enforce all his or her applicable rights and may enforce and complete the performance of all duties required by this chapter.

Sec. 102. 20-A MRSA §16104, first ¶, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

If the owner is aggrieved at the damages awarded him or her under this chapter, he or she may appeal to the Superior Court of the county in which the land or any part of it lies.

Effective July 25, 1984.

CHAPTER 807

H.P. 1769 - L.D. 2336

AN ACT Concerning the Funding of the
Department of Inland Fisheries and
Wildlife.

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 state departments and institutions will become due and payable immediately; and

Whereas, the Department of Inland Fisheries and Wildlife forseees revenues insufficient to meet its expenditures in the near future; and

Whereas, this shortage will result in a severe cash-flow problem for the department; and

Whereas, the Legislature finds a need to strengthen legislative oversight concerning the ex-

penditures of the Department of Inland Fisheries and Wildlife; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Adjustments to Inland Fisheries and Wildlife Fund. To provide for necessary adjustments of the Inland Fisheries and Wildlife Fund, allocations are adjusted by the amounts designated in the the following tabulations.

1984-85

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Fish and Wildlife - Central Administrative Services	
Unallocated	(\$9,853,854)
Fish and Wildlife - Central Administrative Services	
Positions	(286)
Personal Services	\$ 6,417,063
All Other	2,076,120
Capital Expenditures	<u>1,020,736</u>
Total	\$ 9,513,919

This provides for the reallocation of Department of Inland Fisheries and Wildlife funds based on a line-item budget and establishes a position count for these funds for fiscal year 1985. In addition to the above allocation, approximately \$580,000 will be transferred into personal services from funds allocated elsewhere, thereby increasing the total expenditures from this account in personal services to \$6,997,563.

TOTAL PART A (\$ 339,935)

PART B

Allocation. The following funds are allocated from federal funds for the fiscal year ending June 30, 1985, to the Department of Inland Fisheries and Wildlife.

1984-85

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Fisheries and Wildlife - Federal
Fund Account

Personal Services	\$1,244,346
All Other	697,569
Capital Expenditures	22,988

TOTAL PART B	<u>\$1,964,903</u>
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PART C

Allocation. The following funds are allocated from the Maine Endangered and Nongame Wildlife Fund for the fiscal year ending June 30, 1985, to the Department of Inland Fisheries and Wildlife.

1984-85

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Fisheries and Wildlife - General
Operations

Positions	(3)
Personal Services	\$ 71,195
All Other	78,805

Allocates funds from the Maine Endangered and Nongame Wildlife Fund for the management of nongame wildlife and for necessary administration and personnel costs associated therewith.

TOTAL PART C \$150,000

PART D

Allocation. The following funds are allocated from the federal funds received from the Recreational Boating Safety Financial Assistance Program for the fiscal year ending June 30, 1985, to the Department of Inland Fisheries and Wildlife.

1984-85

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Watercraft Registration - Federal
Aid

Personal Services \$127,614
All Other 42,886

Allocates federal funds expected to be received from the Recreational Boating Safety Financial Assistance Program authorized by the Federal Boat Safety Act of 1971.

TOTAL PART D \$170,500

PART E

Commissioner of Inland Fisheries and Wildlife; office. The office of the Commissioner of Inland Fisheries and Wildlife in fiscal year 1985 shall include only the following 5 positions: Commissioner, Deputy Commissioner, Administrative Secretary, Clerk Stenographer III and Clerk Typist II.

PART F

Division of Fisheries and Hatcheries. The Fiscal Year 1985 allocations made in this Act include the following amount for the Division of Fisheries and Hatcheries.

	<u>1984-85</u>
Personal Services	\$684,108
All Other	362,700
Capital Expenditures	158,000
TOTAL PART F	<u>\$1,204,808</u>

In Fiscal Year 1985, the department shall continue to operate 7 hatcheries and 2 rearing stations as listed here: The Casco Hatchery, Dry Mills Hatchery, Emden Rearing Station, Enfield Fish Hatchery, Governor Hill Fish Hatchery, Grand Lake Stream Hatchery, New Gloucester Hatchery, Palermo Rearing Station and the Phillips Hatchery. In addition, the department shall continue to operate the following 7 regional offices: Gray, Augusta, Greenville, Strong, Machias, Enfield and Ashland and a research office at Bangor. During fiscal year 1985, the total number of full-time permanent fishery biologist positions shall be 20. During Fiscal Year 1985, the total number of hatchery positions shall be 34 permanent full-time positions and 3 seasonal positions and this personnel shall not be reassigned to other positions within the division.

PART G

Capital Expenditures. Capital Expenditures in fiscal year 1985 shall be made, provided that funds are available. If it is necessary to make any reductions in the budget, those reductions shall be made first in the Capital Expenditures line-item.

The department shall not expend funds for Capital Expenditures in fiscal year 1984, other than those included in the revised work program for account number 4550.1 which totals approximately \$85,000.

PART H

Borrowing from the General Fund. To solve the cash-flow problem of the Fisheries and Wildlife Fund, subject to the approval of the Governor, the department may borrow up to \$1,000,000 from the General Fund during fiscal year 1984-85. Any moneys borrowed shall be repaid to the General Fund before June 30, 1985, with interest. The rate of interest shall be determined by the Treasurer of State, based on the average rate of interest earned on funds invested during the period of the loan.

PART I

Flight plan; journal system. The department shall keep a flight plan and journal system for all warden pilots, to include a record of all air time, purpose for flight and amount of gas used. These records shall be turned over to the lieutenant and an annual summary provided to the joint standing committee of the legislature having jurisdiction over fisheries and wildlife by the chief warden.

PART J

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

2. Report and allocation. The Commissioner of Inland Fisheries and Wildlife shall include a report on the Maine Endangered and Nongame Wildlife Fund as part of the report submitted to the Governor pursuant to section 7034. This report shall also be submitted to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife. The commissioner shall submit a budget for each biennium in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures from the fund as approved by the commissioner allocated by the Legislature.

PART K

5 MRSA §711, sub-§2, ¶A, sub-¶(8), as amended by PL 1983, c. 349, §2; c. 480, Pt. A, §3; c. 489, §4; and c. 566, §1, is repealed and the following enacted in its place:

(8) Department of Inland Fisheries and Wildlife:

(a) Deputy Commissioner;

(b) Game Warden Colonel; and

(c) Assisant to the Commissioner for Public Information;

PART L

Sec. 1. 12 MRSA §7001, sub-§22-A is enacted to read:

22-A. Migratory waterfowl. "Migratory waterfowl" means anatidae or waterfowl, including brant, wild ducks, geese and swans.

Sec. 2. 12 MRSA §7108 is enacted to read:

§7108. Migratory waterfowl permit

1. Issuance of permit. The commissioner or his authorized agent shall issue a migratory waterfowl hunting permit in the form of a stamp to applicants 16 years of age or older permitting them to hunt or possess migratory waterfowl. Persons under 16 years of age may, without a permit, hunt or possess migratory waterfowl in accordance with chapters 701 to 721.

2. Fee. The fee for a migratory waterfowl hunting permit shall be \$2.50, 25¢ of which shall be retained by the agent.

3. Validation. A migratory waterfowl hunting permit is validated by the permittee writing his signature across the face of the stamp in ink.

4. Restrictions. The following restrictions apply to migratory waterfowl permits.

A. A migratory waterfowl hunting permit shall be exhibited to any warden or employee of the department upon request.

B. A permittee shall keep an unexpired, validated migratory waterfowl hunting permit on his person when hunting or possessing any migratory waterfowl.

5. Design of permit; sale of prints. The design of permits and sale of prints shall be as follows.

A. The commissioner may provide for the reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit and shall establish by rule the procedures governing the design of the permit and reproduction, sale, licensing, distribution and other disposal of any art created in conjunction with the permit.

B. Notwithstanding paragraph A, in an effort to expedite the 1984 fall season issue of the first migratory waterfowl stamp, the commissioner may enter into a contract, prior to the promulgation of rules, for the design and issuance of the permit and reproduce, sell, license, distribute or otherwise dispose of any art created in conjunction with it, including the establishment of a fee schedule for contract services.

C. The design of the permit and any art created in conjunction with it may be selected through an art contest.

D. All revenues derived from the sale of art in conjunction with the permit shall be deposited into the Department of Inland Fisheries and Wildlife main operating account.

Sec. 3. 12 MRSA §7407 is enacted to read:

§7407. . Migratory waterfowl hunting

Migratory waterfowl hunting is governed by the license and permit provisions of sections 7105 and 7108.

PART M

Report. The Department of Inland Fisheries and Wildlife shall provide an evaluation report to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife during the First Regular Session of the 112th Legislature on the programs and activities carried out by the Division of Fisheries and Hatcheries and the Division of Wildlife Management and Visitors Center.

PART N

Positions. All positions within the Department of Inland Fisheries and Wildlife occupied as of March 1, 1984, shall remain filled for the remainder of fiscal year 1984, except the Right-of-Way Appraiser I, Auto Mechanic II, 3 full-time carpenters, 2 seasonal carpenters, Storehouse Clerk II and 2 pilot wardens. Positions which have been eliminated, with the above exceptions, due to the recent layoffs shall be reinstated.

PART O

General Fund appropriation. Upon the receipt of a General Fund appropriation, allocations contained in this Act for Fisheries and Wildlife Central Administrative Services Account 4550.1 shall be decreased by the corresponding amount according to category appropriated.

PART P

Sec. 1. 12 MRSA §7076, sub-§6, as amended by PL 1983, c. 588, §5, is further amended to read:

6. Residents in Armed Forces. A combination fishing and hunting license shall be issued upon payment of \$7 \$11 in 1985, \$13 in 1986 and \$15 in 1987 and thereafter, plus the issuing fee, to a Maine resident on active duty in the Armed Forces of the United States, his spouse and children. These persons shall be issued all other licenses or permits at resident fees. The license will be valid during the year of issue.

Sec. 2. 12 MRSA §7076, sub-§10, ¶A, as amended by PL 1979, c. 543, §6, is repealed and the following enacted in its place:

A. The fees for this license shall be as follows:

	<u>1985</u>	<u>1986</u>	<u>1987 and after</u>
<u>Camps with an enrollment of less than 50 campers</u>	<u>\$42</u>	<u>\$43</u>	<u>\$44</u>
<u>Camps with an enrollment of 50 or more campers but not more than 75 campers</u>	<u>\$67</u>	<u>\$68</u>	<u>\$69</u>
<u>Camps with an enrollment of more than 75 campers</u>	<u>\$98</u>	<u>\$99</u>	<u>\$100</u>

Sec. 3. 12 MRSA §7101, sub-§5, as amended by PL 1983, c. 588, §6, is repealed and the following enacted in its place:

5. Schedule of fees. The schedule of fees is as follows:

	<u>1985</u>	<u>1986</u>	<u>1987</u> <u>and</u> <u>after</u>
<u>A. Resident junior hunting license</u> <u>(10 years of age or older and under 16)</u>	<u>\$3</u>	<u>\$3</u>	<u>\$3</u>
<u>B. Resident hunting license</u> <u>(16 years of age or older)</u>	<u>\$13</u>	<u>\$14</u>	<u>\$15</u>
<u>C. Resident combination hunting and fishing license</u>	<u>\$24</u>	<u>\$26</u>	<u>\$28</u>
<u>C-1. Resident supersport license</u>	<u>\$34</u>	<u>\$36</u>	<u>\$38</u>
<u>D. Resident combination archery hunting and fishing license</u>	<u>\$24</u>	<u>\$26</u>	<u>\$28</u>
<u>E. Nonresident junior hunting license</u> <u>(10 years of age or older and under 16)</u> <u>(Permits hunting of all species, except deer and bear with firearms)</u>	<u>\$23</u>	<u>\$23</u>	<u>\$23</u>
<u>F. Nonresident small game hunting license</u> <u>(Permits hunting of all species, except deer and bear)</u>	<u>\$45</u>	<u>\$46</u>	<u>\$47</u>
<u>G. Nonresident big game hunting license</u> <u>(Permits hunting of all species, including deer and bear)</u>	<u>\$75</u>	<u>\$76</u>	<u>\$77</u>
<u>H. Nonresident combination hunting and fishing license</u>	<u>\$103</u>	<u>\$105</u>	<u>\$107</u>
<u>I. Alien small game hunting license</u> <u>(Permits hunting of all species, except deer and bear)</u>	<u>\$60</u>	<u>\$61</u>	<u>\$62</u>

<u>J. Alien big game hunting license</u>	<u>\$115</u>	<u>\$116</u>	<u>\$117</u>
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(Permits hunting of all species, including deer and bear)

<u>K. Alien combination hunting and fishing license</u>	<u>\$156</u>	<u>\$158</u>	<u>\$160</u>
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Sec. 4. 12 MRSA §7102, sub-§3, as amended by PL 1983, c. 588, §7, is repealed and the following enacted in its place:

3. Schedule of fees. The schedule of fees is as follows:

	<u>1985</u>	<u>1986</u>	<u>1987 and after</u>
<u>A. Resident archery license</u>	<u>\$13</u>	<u>\$14</u>	<u>\$15</u>
<u>B. Resident combination archery hunting and fishing license</u>	<u>\$24</u>	<u>\$26</u>	<u>\$28</u>
<u>(Available from the department in Augusta only)</u>			
<u>C. Nonresident archery license</u>	<u>\$45</u>	<u>\$46</u>	<u>\$47</u>
<u>D. Alien archery license</u>	<u>\$60</u>	<u>\$61</u>	<u>\$62</u>

Sec. 5. 12 MRSA §7103, sub-§3, as amended by PL 1979, c. 543, §10, is further amended to read:

3. Fee. The fee for a falconry license shall be \$15 \$17 for 1985, \$18 for 1986 and \$19 for 1987 and every year thereafter.

Sec. 6. 12 MRSA §7104, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. Fees.

A. The operator of a commercial shooting area shall pay an initial license fee of \$225 \$327 for 1985, \$328 for 1986 and \$329 for 1987 and every year thereafter, for the first year of operation.

B. The operator of a commercial shooting area shall pay a fee of \$125 \$127 for 1985, \$128 for

1986 and \$129 for 1987 and every year thereafter before July 1st of each successive year of operation.

Sec. 7. 12 MRSA §7105, sub-§2, as amended by PL 1983, c. 588, §8, is further amended to read:

2. Fee. The fee for a special commercial shooting area hunting license is ~~\$11~~ \$13 for 1985, \$14 for 1986 and \$15 for 1987 and every year thereafter.

Sec. 8. 12 MRSA §7151, sub-§5, as amended by PL 1983, c. 588, §9, is repealed and the following enacted in its place:

5. Schedule of fees.

	<u>1985</u>	<u>1986</u>	<u>1987 and after</u>
<u>A. Resident fishing license</u>	<u>\$13</u>	<u>\$14</u>	<u>\$15</u>
<u>(16 years of age or older)</u>			
<u>B. Resident combination hunting and fishing license</u>	<u>\$24</u>	<u>\$26</u>	<u>\$28</u>
<u>C. Resident combination archery hunting and fishing license</u>	<u>\$24</u>	<u>\$26</u>	<u>\$28</u>
<u>D. Junior nonresident fishing license</u>	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>
<u>(12 years of age or older and under 16)</u>			
<u>E. Resident or nonresident 3-day fishing license</u>	<u>\$15</u>	<u>\$16</u>	<u>\$17</u>
<u>(Valid for 3 days from date indicated on license)</u>			
<u>F. Nonresident 7-day fishing license</u>	<u>\$24</u>	<u>\$25</u>	<u>\$26</u>
<u>(Valid for 7 days from date indicated on license)</u>			
<u>G. Nonresident 15-day fishing license</u>	<u>\$28</u>	<u>\$29</u>	<u>\$30</u>
<u>(Valid for 15 days from date indicated on license)</u>			

<u>H. Nonresident season fishing license</u>	<u>\$40</u>	<u>\$41</u>	<u>\$42</u>
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(16 years of age or older)

<u>I. Alien season fishing license</u>	<u>\$60</u>	<u>\$61</u>	<u>\$62</u>
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(16 years of age or older)

Sec. 9. 12 MRSA §7171, sub-§2, as amended by PL 1983, c. 588, §10, is further amended to read:

2. Fee. The fee for a live bait dealer's license shall be ~~\$17~~ for each calendar year \$19 for calendar year 1985, \$20 for calendar year 1986 and \$21 for calendar year 1987 and every calendar year thereafter.

Sec. 10. 12 MRSA §7301, sub-§7, as amended by PL 1983, c. 588, §11, is further amended to read:

7. Fee. The annual fee for a resident guide license is ~~\$36~~ \$38 for 1985, \$39 for 1986 and \$40 for 1987 and every year thereafter. The annual fee for a nonresident guide license is ~~\$138~~ \$140 for 1985, \$141 for 1986 and \$142 for 1987 and every year thereafter. The annual fee for an alien guide license is ~~\$163~~ \$165 for 1985, \$166 for 1986 and \$167 for 1987 and every year thereafter.

Sec. 11. 12 MRSA §7133, sub-§4, as enacted by PL 1979, c. 729, §2, is repealed and the following enacted in its place:

4. Schedule of fees.

	<u>1985</u>	<u>1986</u>	<u>1987 and after</u>
<u>A. Resident trapping</u>	<u>\$27</u>	<u>\$28</u>	<u>\$29</u>
<u>B. Resident junior trapping</u>	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>
<u>(10 years of age or older and under 16 years)</u>			
<u>C. Nonresident trapping</u>	<u>\$302</u>	<u>\$303</u>	<u>\$304</u>

Sec. 12. 12 MRSA §7153, sub-§2, as enacted by PL 1979, c. 543, §16, is amended to read:

2. Fee. The minimum fee for these permits shall be \$34 \$36 for 1985, \$37 for 1986 and \$38 for 1987 and every year thereafter.

Sec. 13. 12 MRSA §7154, sub-§3, as repealed and replaced by PL 1979, c. 543, §17, is repealed and the following enacted in its place:

3. Fee. The fee for a tournament permit shall be:

	<u>1985</u>	<u>1986</u>	<u>1987</u> <u>and</u> <u>after</u>
A. <u>For a tournament with 20 or less participants, who are all members of the sponsoring club</u>	<u>\$9</u>	<u>\$10</u>	<u>\$11</u>
B. <u>For all other tournaments</u>	<u>\$29</u>	<u>\$30</u>	<u>\$31</u>

Sec. 14. 12 MRSA §7172, sub-§2, as amended by PL 1979, c. 543, §20, is further amended to read:

2. Fee. The fee for a live smelt bait dealer's license shall be \$62 for each calendar year \$64 for calendar year 1985, \$65 for calendar year 1986 and \$66 for calendar year 1987 and each calendar year thereafter.

Sec. 15. 12 MRSA §7201, sub-§2, as amended by PL 1979, c. 543, §21, is further amended to read:

2. Fee. The fee for a license to sell commercially grown or imported fish shall be \$17 \$19 for 1985, \$20 for 1986 and \$21 for 1987 and every year thereafter.

Sec. 16. 12 MRSA §7205, sub-§2, as amended by PL 1981, c. 644, §12, is further amended to read:

2. Fee. The fee for such a license shall be \$17 \$19 for 1985, \$20 for 1986 and \$21 for 1987 and every year thereafter.

Sec. 17. 12 MRSA §7231, sub-§3, as amended by PL 1981, c. 12, §3, is further amended to read:

3. Fee. The fee for a wildlife exhibit permit is \$65 \$67 for 1985, \$68 for 1986 and \$69 for 1987 and every year thereafter.

Sec. 18. 12 MRSA §7235, sub-§2, as repealed and replaced by PL 1979, c. 543, §24, is amended to read:

2. Fee. The annual fee for a breeder's license is ~~\$15~~ \$17 for 1985, \$18 for 1986 and \$19 for 1987 and every year thereafter.

Sec. 19. 12 MRSA §7303, sub-5, as enacted by PL 1979, c. 543, §27, is amended to read:

5. Fee. The initial qualifying fee for a trip leader's permit shall be ~~\$10~~ \$12 for 1985, \$13 for 1986 and \$14 for 1987 and every year thereafter. Persons may annually renew this permit upon payment of ~~\$5~~ \$7 for 1985, \$8 for 1986 and \$9 for 1987 and every year thereafter.

Sec. 20. 12 MRSA §7331, sub-§2, as amended by PL 1979, c. 543, §28, is further amended to read:

2. Fee. The fee for a special dog training area license is ~~\$17~~ \$19 for 1985, \$20 for 1986 and \$21 for 1987 and every year thereafter.

Sec. 21. 12 MRSA §7332, sub-§2, as amended by PL 1979, c. 543, §29, is further amended to read:

2. Fee. The fee for a license to hold field trials for sporting dogs is ~~\$17~~ \$19 for 1985, \$20 for 1986 and \$21 for 1987 and every year thereafter.

Sec. 22. 12 MRSA §7351, sub-§2, as amended by PL 1979, c. 543, §31, is further amended to read:

2. Fee. Residents shall pay an annual fee of ~~\$9~~ \$11 for 1985, \$12 for 1986 and \$13 for 1987 and every year thereafter and alien residents shall pay an annual fee of ~~\$35~~ \$37 for 1985, \$38 for 1986 and \$39 for 1987 and every year thereafter for a taxidermist license.

Sec. 23. 12 MRSA §7352, sub-§2, as amended by PL 1979, c. 729, §3, is further amended to read:

2. Fee. The annual fee for a hide dealer's license shall be ~~\$50~~ \$52 for 1985, \$53 for 1986 and \$54 for 1987 and every year thereafter for residents and ~~\$100~~ \$102 for 1985, \$103 for 1986 and \$104 for 1987 and every year thereafter for nonresidents.

PART Q

Sec. 1. 12 MRSA c. 702 is enacted to read:

CHAPTER 702

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

§7011. Department funds

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

2. Unencumbered balances. Any unencumbered allocated balances, including existing balances, shall be carried forward into the next fiscal year and shall not be expended without allocation by the Legislature.

3. Revenues. Actual revenues received in excess of that estimated and allocated by the Legislature shall not be expended without allocation by the Legislature.

4. Cash reserve. The department shall maintain as practical a cash reserve for the purpose of ensuring an adequate cash flow.

5. Bond issue. The department shall submit to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife plans for a bond issue prior to submission of the bond issue to the full Legislature.

Sec. 2. 12 MRSA §7074, sub-§4, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 3. 12 MRSA §7757, sub-§2, as enacted by PL 1983, c. 526, §2, is amended to read:

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

PART R

Appropriation. There is appropriated from the General Fund to the Department of Inland Fisheries and Wildlife funds to reimburse the department for expenditures made to perform search and rescue activities during fiscal years 1960 to 1983.

1984-85INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

All Other \$358,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except for Part Q which shall take effect on January 1, 1985.

Effective April 23, 1984, unless otherwise indicated.

CHAPTER 808

H.P. 1440 - L.D. 1885

AN ACT Concerning Application of
Fuel Tax Laws.

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

Sec. 1. 29 MRSA §246-A, sub-§3, as amended by PL 1983, c. 94, Pt. C, §8, is further amended to read:

3. Form of application. Application shall be made upon a form and in a manner prescribed by the Secretary of State and shall set forth such information as the Secretary of State may require. The application shall be accompanied by a fee of \$15 for each vehicle listed in the application. On and after November 1st, the fee shall be 1/2 rate.

Sec. 2. 36 MRSA §2963, first ¶ as amended by PL 1973, c. 625, §263, is further amended to read:

Every motor carrier shall pay a road tax equivalent to the existing rate of taxation per gallon, calculated on the amount of motor fuel used in its operations within this State. Every motor carrier, subject to the tax imposed, shall be entitled to a credit on such tax equivalent to the existing rate of taxation per gallon on all motor fuel purchased by such carrier within this State for use in its operations, either within or without this State, and upon which motor fuel the tax imposed by the laws of this State has been paid by such carrier. Evidence of the payment of such tax, in such form as may be required by or is satisfactory to the State Tax Assessor,