

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
ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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

CHAPTER 819

S.P. 899 - L.D. 2417

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

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1984; and

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

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

Sec. 1. 3 MRSA §507, sub-§6, as repealed and replaced by PL 1979, c. 654, §3, is repealed and the following enacted in its place:

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

A. Unless continued or modified by law, the following Group C-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1984. The Baxter State Park Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1984:

- (1) Baxter State Park Authority;
- (2) Coastal Island Trust Commission;
- (3) Saco River Corridor Commission;
- (4) State Soil and Water Conservation Commission;
- (5) Inspector of Dams and Reservoirs;
- (6) Board of Certification of Water Treatment Plant Operators; and
- (7) Keep Maine Scenic Committee.

B. Unless continued or modified by law, the following Group C-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1985:

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

Sec. 2. 3 MRSA §507, sub-§7, as amended by PL 1983, c. 553, §46, is repealed and the following enacted in its place:

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

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

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

(2) Department of Educational and Cultural Services.

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

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

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

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

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

A. Unless continued or modified by law, the following Group D-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1986:

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

(2) State Historian;

(3) Historic Preservation Commission;

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

(5) Maine Historical Society; and

(6) Oil and Solid Fuel Board.

B. Unless continued or modified by law, the following Group D-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1987:

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

(22) Maine Vocational Development Commission;

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

(24) Maine Occupational Information Coordinating Committee.

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

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

(1) Maine State Retirement System;

(2) Department of Attorney General;

(3) Department of Personnel; and

(4) Department of Labor.

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

(1) Department of Finance and Administration;

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

(3) Department of Audit.

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

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

A. Unless continued or modified by law, the following Group E-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1988:

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

(2) Maine Commission for Women;

(3) Maine Human Rights Commission;

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

B. Unless continued or modified by law, the following Group E-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1989. The Board of Emergency Municipal Finance, the Finance Authority of Maine and the Maine Municipal Bond Bank shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1989:

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

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

Given reasonable cause, the joint standing committee of the Legislature having jurisdiction over audit and program review may review any aspect or element of any department or independent agency scheduled for review under this chapter when the committee deems it necessary.

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

5. Agencies scheduled for termination on June 30, 1984. Pursuant to section 507, subsection 6, paragraph A, the following agencies, scheduled for termination on June 30, 1984, are continued or modified by an Act of the Legislature passed prior to June 30, 1984:

A. Agency continued without modification:

(1) Keep Maine Scenic Committee.

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

(1) Board of Certification of Water Treatment Plant Operators.

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

A. Saco River Corridor Commission; and

B. State Soil and Water Conservation Commission.

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

A. The following positions in the following departments are major policy-influencing positions. These positions and their successor positions shall be subject to this subsection, notwithstanding any other provision of law:

(1) Department of the Attorney General:

(a) Deputy Attorneys General; and

(b) Assistant Attorneys General;

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

(a) Deputy Commissioners;

(b) Associate Commissioner for Policy Development;

(c) Director, Bureau of Agricultural Productions;

(d) Director, Bureau of Agricultural Marketing;

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

(f) Director, Bureau of Public Services; and

(g) Assistant to the Commissioner for Public Information;

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

(a) Superintendent, Bureau of Banking;

(b) Superintendent, Bureau of Consumer Credit Protection;

(c) Superintendent, Bureau of Insurance; and

(d) Assistant to the Commissioner;

(3) Department of Conservation:

(a) Director, Administrative Services;

(b) Deputy Commissioner;

(c) Director, Bureau of Forestry;

(d) Director, Maine Geological Survey;

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

(f) Director, Bureau of Parks and Recreation;

(g) Director, Bureau of Public Lands;

(h) Forest Insect Manager, Bureau of Forestry;

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

(j) Assistant to the Commissioner;

(4) Department of Educational and Cultural Services:

- (a) Assistant to the Commissioner;
- (b) Deputy Commissioner;
- (c) Associate Commissioner, Bureau of School Management;
- (d) Associate Commissioner, Bureau of Instruction;
- (e) Associate Commissioner, Bureau of Vocational Education;
- (f) Director, Planning and Management Information; and
- (g) Federal and State Education Program Coordinator;

(4-A) Department of Environmental Protection:

- (a) Deputy Commissioner; and
- (b) Assistant to the Commissioner;

(5) Department of Finance and Administration:

- (a) State Controller;
- (b) State Purchasing Agent;
- (c) State Tax Assessor;
- (d) Director, Bureau of Public Improvements;
- (e) Director, Bureau of Alcoholic Beverages;
- (f) State Budget Officer;
- (g) Assistant to the Commissioner; and
- (h) Director, Risk Management;

(6) Department of Human Services:

- (a) Deputy Commissioners;

(b) Director, Bureau of Maine's Elderly;

(c) Director, Bureau of Resource Development;

(d) Director, Bureau of Health;

(e) Director, Bureau of Rehabilitation;

(f) Director, Bureau of Income Maintenance;

(g) Director, State Health Planning and Development Agency; and

(h) Director, Bureau of Medical Services;

(7) Maine Human Rights Commission:

(a) Executive Director; and

(b) Chief Compliance Officer;

(8) Department of Inland Fisheries and Wildlife:

(a) Deputy Commissioner;

(b) Game Warden Colonel;

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

(9) Maine State Lottery Commission:

(a) Deputy Director;

(10) Department of Labor:

(a) Director, Maine Job Training Council;

(b) Director, Bureau of Labor Standards;

(c) Executive Director, Maine Labor Relations Board;

(d) Assistant to the Commissioner;

(e) Assistant to the Commissioner for Public Information;

(f) Director, Planning and Program Services;

(g) Executive Director, Bureau of Employment Security;

(h) Executive Secretary, Maine Occupational Information Coordinating Committee; and

(i) Executive Director, Bureau of Employment and Training Programs;

(11) Department of Marine Resources:

(a) Deputy Commissioner;

(b) Chief, Bureau of Marine Patrol; and

(c) Assistant to the Commissioner;

(12) Department of Mental Health and Mental Retardation:

(a) Associate Commissioner;

(b) Director, Bureau of Mental Health;

(c) Superintendent, Augusta Mental Health Institute;

(d) Superintendent, Bangor Mental Health Institute;

(e) Director, Bureau of Mental Retardation;

(f) Superintendent, Pineland Center; and

(g) Director, Bureau of Corrections;

(13) Department of Defense and Veterans' Services:

(a) Deputy Adjutant General;

(b) Director, Bureau of Civil Emergency Preparedness; and

(c) Director, Bureau of Veterans' Services;

(14) Department of Public Safety:

(a) Chief, Bureau of State Police;

(b) Director, Bureau of Liquor Enforcement;

(c) Director, Office of State Fire Marshal;

(d) Director, Maine Criminal Justice Academy;

(e) Assistant to the Commissioner for Public Information;

(f) Assistant to the Commissioner; and

(g) Two Deputy Chiefs, State Police;

(15) Department of Secretary of State:

(a) Deputy Secretaries of State; and

(b) State Archivist;

(16) Department of Transportation:

(a) Deputy Commissioners;

(b) Chief Counsel, Bureau of Legal Services;

(c) Assistant to the Commissioner; and

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

(17) Department of Personnel:

(a) Assistant to the Commissioner; and

(b) Director, Planning and Operations.

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

§557. Public Lands Management Fund

1. Public Lands Management Fund. To accomplish the purposes of this chapter, there is established a Public Lands Management Fund. All income received by the Bureau of Public Lands pursuant to section 553, subsection 3, paragraph E, excepting income from the public reserved lots, shall be recorded on the books of the State in a separate account and shall be deposited with the Treasurer of State, to be credited to the Public Lands Management Fund.

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

3. Compensation to municipalities. Notwithstanding the other provisions of this section, 25% of the net revenues from any public lands, excluding submerged lands, public reserved lands and lands held under section 560, and excluding proceeds from the sale of land, located in municipalities and managed by the Bureau of Public Lands, other than public reserved lands, shall be returned by the Treasurer of State to the municipality wherein the land generating the income is located, to be used for municipal purposes. With respect to those public reserved lands which were located in townships or tracts organized into plantations as of March 1, 1974, when any such plantation, subsequent to that date, becomes incorporated into a town, 75% of any income from residential leasehold camps and 25% of any other income from such public reserved land shall be returned by the Treasurer of State to the municipality wherein such public reserved land is located, to be used for municipal purposes. With respect to stumpage income from timber located on public reserved lands and leased pursuant to Title 30, section 4162, subsection 4, paragraph L, 50% of the income shall be returned by the Treasurer of State to the lessee for its own purposes. The director may approve the handling of income from sales or permits for up to \$500 by the les-

sees. The lessees shall submit a semiannual accounting of this income and payment for the state's share of the income.

4. Legislative approval of budget. Expenditures from the Public Lands Management Fund are subject to legislative approval in the same manner as appropriations from the General Fund. No money may be expended without allocation by the Legislature. The joint standing committee having jurisdiction over appropriations shall approve the allocation.

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

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

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

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

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

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

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

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

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

(2) The director may adjust the base rent, decreasing it for desirable uses or increasing it for undesirable ones. In determining the desirability of uses, the director shall consider the extent to which the use does

not impair the future use of the submerged or intertidal land for fishing, fowling or navigation, needs to be located on the submerged land, and exploits natural renewable resources of the water;

(3) The director may revalue rents every 5 years. For leases entered into before and after July 1, 1984, rents shall not exceed 4¢ per square foot increased by 10% cumulatively for each year that has elapsed since July 1, 1984, further adjusted by the cumulative increase in the United States Consumer Price Index. Notwithstanding this limit, if an appraisal of the value of the land under a new or existing lease is performed, the director may charge a rent based on subparagraphs (1) and (2); and

(4) The director may also lease, for a period of not more than 5 years, a buffer zone of not more than 30 feet in width around a permanent structure located on submerged or intertidal land, provided the lease is necessary to preserve the integrity and safety of the structure and the Commissioner of Marine Resources consents to that lease.

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

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

D. The director may establish a reasonable minimum rent to which any lease is subject, but it shall not exceed \$75 per year.

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

A. Is for the exclusive benefit of the abutting upland owner for charitable purposes as defined in the United States Internal Revenue Code, Section 501, (c) (3);

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

C. Occupies a total of not more than 2,000 square feet of state-owned land for the exclusive purpose of landing or processing shellfish, finfish or other natural products of the sea or for other activities directly related to the purpose of landing or processing shellfish, finfish or natural sea products, including fueling, loading or selling these products; or

D. Is for harbor improvement by the Federal Government.

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

5. Review of uses. The director shall review from time to time, in the case of easements, the purposes for which the land conveyed has actually been used, and in the event any such purpose is found to be inconsistent with the criteria set forth in subsection 3 for eligibility for an easement, the easement shall terminate and the director may enter into a leasehold agreement with the holder of the easement in accordance with subsection 2.

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

7. Consultation. The director shall consult with the Commissioner of Conservation, Commissioner of Marine Resources, Commissioner of Inland Fisheries and Wildlife and such other agencies or organizations as he deems appropriate in developing and implementing terms, conditions and consideration for conveyances

under this section. Notwithstanding section 551, the director may determine to make proprietary conveyances under this section solely on the basis of the issuance of environmental or regulatory permits by other appropriate state agencies.

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

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

§560. Lands provided by Governor Baxter

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

2. Acquisition. With the approval of the commissioner and the Legislature, the bureau may purchase, with the funds paid to it by the trustee named in this section and with money realized by the sale of timber in the manner provided, real property for recreational and reforestation purposes. The bureau shall hold the land in trust for the benefit of the people of the State for development, improvement, use, reforestation and scientific forestry and the production and sale of timber. Title to the property shall be approved by the Attorney General and shall be taken in the name of the State.

3. Duties. The bureau shall protect property acquired under this section against damage by insects, fire and other hazards. The bureau shall devise a plan for the management of each parcel.

4. Revenues. Revenues derived from the sale of timber shall be used for the care, management and extension of property acquired under the authority of this section.

Revenues derived from public-access fees shall be used for the protection of the property from fire, insects, disease and other hazards; maintenance of

the property; protection and safety of the public; and salaries of personnel employed for these purposes. The Treasurer of State shall annually return 25% of the revenues derived from these fees to the municipality within which the property lies, to be used for the maintenance of public ways and for public education within the municipality. If any parcel of the property lies within 2 or more municipalities, the percentage shall be prorated among the municipalities according to the acreage of the parcel in each municipality. If any parcel of the property lies in unorganized territory, the percentage shall be returned to the county in which the parcel lies for general county purposes. If any parcel of the land lies partly within a municipality and partly within unorganized territory, the percentage shall be prorated between the municipality and the county according to the acreage of the parcel in each municipality.

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

16. Forest management. The bureau shall manage forested areas within state parks to preserve to the maximum practicable extent their natural recreational and scenic qualities. The director may authorize employees of the Department of Conservation to harvest wood in state parks for the use of the bureau. He may authorize wood harvesting by others only when this cutting is required by deed conditions on specific lots wood harvesting on state park lands when the wood is to be used by the bureau, when cutting is required by deed conditions on specific lots or when necessary to improve wildlife habitat, control insect infestation and other disease, reduce the risk of fire or other hazards, improve the recreational and aesthetic quality of the park lands or demonstrate exemplary multiple use forest management techniques within a demonstration forest area established on state park land for educational purposes. All cutting shall be subject to the following restrictions:

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

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

C. The cutting shall be consistent with the management objectives of the bureau; and

D. The cost of these timber management activities shall be paid from revenues received from cutting. The balance of these receipts shall go to the General Fund.

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

Sec. 14. 12 MRSA c. 217, as amended, is repealed.

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

The commissioner is the chief executive officer of the Department of Conservation. He shall coordinate and supervise the activities and programs of the bureaus and agencies which are part of the department; undertake comprehensive planning and analysis with respect to the functions and responsibilities of the department; and develop and implement, whenever necessary, procedures and practices to promote economy, efficiency and coordination in and between the various agencies and bureaus of the department. He shall reorganize or combine the bureaus of the department or the planning, operations and other functions among the bureaus of the department as he deems necessary to improve the efficiency of department services. From time to time he shall recommend to the Governor and Legislature such changes in the laws relating to the organization, functions, services or procedures of the agencies and bureaus of the department as he shall deem desirable. The commissioner shall prepare a budget for the department; and shall organize and maintain within the department an administrative services division to which he may assign personnel from the agencies and bureaus of the department.

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

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

The director of administrative services and the ~~director of planning and program services~~ deputy

commissioner shall serve at the pleasure of the commissioner.

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

CHAPTER 702

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

§7011. Department established

There is established the Department of Inland Fisheries and Wildlife to preserve, protect and enhance the inland fisheries and wildlife resources of the State; to encourage the wise use of these resources; to ensure coordinated planning for the future use and preservation of these resources; and to provide for effective management of these resources.

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

§7012. Bureau of Administrative Services

There shall be the Bureau of Administrative Services within the Department of Inland Fisheries and Wildlife. The bureau shall be equal in organizational level and status with other major organizational units within the department or its successors. The bureau shall be administered by a director who is immediately responsible to the deputy commissioner. The director shall possess full authority and responsibility for administering all the powers and duties of the bureau, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the bureau shall include, but not be limited to:

1. Financial accounting. The financial accounting of all department revenues and expenditures, including long-range financial planning and the preparation of annual and biennial budgets;

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

3. Licensing and registration. The administration and issuance of department licenses, stamps and permits and the registration of snowmobiles, watercraft and all-terrain vehicles;

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

5. Land acquisition. The acquisition and development of land for the protection, preservation and enhancement of the inland fisheries and wildlife resources; and

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

§7013. Bureau of Resource Management

There shall be the Bureau of Resource Management within the Department of Inland Fisheries and Wildlife. The bureau shall be equal in organizational level and status with other major organizational units within the department or its successors. The bureau shall be administered by a director who is immediately responsible to the deputy commissioner. The director shall possess full authority and responsibility for administering all the powers and duties of the bureau, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the bureau shall include, but not be limited to:

1. Wildlife management. The management of the wildlife resources in the State for their preservation, protection, enhancement and use;

2. Fisheries management. The management of the inland fisheries resources in the public waters of the State for their preservation, protection, enhancement and use;

3. Propagation of fish. The propagation of fish for the effective management of inland fisheries resources in public waters of the State;

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

5. Wildlife sanctuaries; wildlife management areas. The management of wildlife sanctuaries and wildlife management areas for the State as designated in chapter 713;

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

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

8. Alteration of rivers, streams and brooks. Administration of chapter 713, subchapter VII, Alteration of Rivers, Streams and Brooks; and

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

§7014. Bureau of Warden Service

There shall be the Bureau of Warden Service within the Department of Inland Fisheries and Wildlife. It shall be equal in organizational level and status with other major organizational units within the department or its successors. The bureau shall be administered by a director who is immediately responsible to the deputy commissioner. The director shall be the Game Warden Colonel and shall be employed pursuant to section 7034, subsection 2-A, and Title 5, chapter 59, which are applicable to this position. The director shall possess full authority and responsibility for administering all the powers and duties of the bureau, subject to the direction of the commissioner and except as otherwise provided by statute. The responsibilities of the bureau shall include, but not be limited to:

1. Wildlife - fisheries enforcement. Enforcement of laws and department rules pertaining to the management and protection of the inland fisheries and wildlife resources as further designated by section 7053;

2. Licensing - registration enforcement. Enforcement of laws and department rules pertaining to the registrations and operation of snowmobiles, watercraft and all-terrain vehicles;

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

4. Search and rescue. The coordination and implementation of all search and rescue operations as specified under section 7035, subsection 4;

5. Safety. The administration of programs for hunter safety and for the safe operation of snowmobiles and watercraft;

6. Data collection. The collection of data as needed for the management and protection of the inland fisheries and wildlife resources; and

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

§7015. Division of Planning

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

§7016. Division of Public Information and Education

There shall be, within the Department of Inland Fisheries and Wildlife, a Division of Public Information and Education which shall be responsible for the administration of programs to increase the public's knowledge and understanding of the inland fisheries and wildlife resources and the management of these resources. The division's responsibilities shall include public education, promotion of the inland fisheries and wildlife resources and the dissemination of information.

§7017. 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.

6. Equipment. The department shall notify the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife of any heavy equipment purchases prior to their purchase to include the name of the item and expected cost. This same information shall be supplied prior to the purchase of any vehicles. In addition, the department shall develop and implement a formal replacement schedule for the department's radio communication system. This plan shall be reviewed by the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife.

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

1. Appointment of deputy. The commissioner shall appoint, to serve at his pleasure, a Deputy Commissioner of Inland Fisheries and Wildlife, who shall be qualified by training and experience in fisheries and wildlife management and conservation law enforcement. Under the commissioner's direction, the deputy commissioner shall assist him in the performance of his duties, particularly in: administration of the department.

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

B- Supervision of wardens; and

C- Inspection of warden service.

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

B. The expenses of the department in search and rescue efforts shall be paid from the General

Fund. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife shall report out a bill during each regular session requesting General Fund moneys for the full cost of search and rescue.

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

8. Sale of publications. If the commissioner deems it advisable for the more effective dissemination of factual information, information of public interest or information tending to promote better public relations, he may fix the price, if any, of certain publications and materials of the department, and sell and deliver them. Publications and materials included within this authority are all publications, articles, biological and statistical data, professional and technical service reports by departmental personnel and other materials in the department's possession and pertaining to the department, except publications of the laws in whatever form. These publications shall not carry any advertising of a political nature, but may carry commercial advertising.

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

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

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

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

11. Promotion of hunting, fishing and camping. The commissioner may implement a program designed to promote fisheries and wildlife resources and attract hunters and fishermen to the State. This program may include coordination of activities between the public and private sectors and utilization of promotional missions throughout New England and New York, exhibits, brochures, technical assistance and expertise as

necessary to develop and promote hunting, fishing and camping activities within the State. The commissioner shall coordinate this program with the activities of the State Development Office. Any purchases made as a result of that coordination shall be by competitive bid.

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

§7072. Appointment of agents

1. Appointment. The commissioner may appoint clerks of towns or such other agents as he deems necessary to issue licenses and permits. The commissioner shall determine the period during which the agents shall act.

2. Businesses under common ownership. In the case of stores or businesses under a common owner serving as agents, each store or business location shall be an agent. Provided that individual applications are submitted, they can be forwarded from a central location in the case of businesses under common ownership.

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

A. The commissioner shall designate as an agent for the purpose of selling nonresident licenses any business which submits a complete application, is credit worthy and has not violated any provision of this Part. A business, the agency of which is revoked, may reapply for an agency for the 2nd year following the last year it held an agency.

B. An applicant for an agency shall submit a nonrefundable \$30 application fee with the application and a \$30 fee each year thereafter for renewal.

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

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

5. Delinquent agents. If an agent fails to forward to the commissioner funds collected by him during the previous calendar month before the 15th day

of each calendar month, he is delinquent on the 16th day of that month. Failure to remit the funds as provided in this section shall result in the following sanctions, in addition to any others provided by law.

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

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

C. If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one calendar year, the commissioner shall:

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

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

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

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

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

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

C. Deer registration agents shall:

(1) Register every deer legally presented for registration;

(2) Attach a metal seal to each deer in the manner directed and with the materials furnished by the commissioner;

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

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

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

Sec. 27. 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 inland 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.

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

3. Maine Land Use Regulation Commission jurisdiction. Notwithstanding section 7776, a permit shall not be required from the commissioner provided:

A. The Maine Land Use Regulation Commission's standards for the alterations will not be exceeded where standards for stream alterations are established by the commission; or

B. A permit has been obtained from the Maine Land Use Regulation Commission for the alterations.

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

2. Division. "Division" means the Division of ~~Recreational~~ Safety Licensing and Registration, a part of the Department of Inland Fisheries and Wildlife.

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

§7794-A. History of ownership

1. Request. The commissioner or his designee shall provide on request a written record of the history of past ownership of any watercraft which re-

quires a certificate of number under this subchapter. The request shall be made on forms provided by the commissioner.

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

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

3. Disbursement of revenues. All revenues collected under this subchapter, including fines, fees and other available moneys, less all administrative costs of the Division of Recreational Safety Licensing and Registration, shall be disbursed for each fiscal year, when final accounting records are determined for that fiscal year, to the Department of Inland Fisheries and Wildlife and the Department of Marine Resources. The disbursement shall be 2/3 to the Department of Inland Fisheries and Wildlife and 1/3 to the Department of Marine Resources, and shall be used to defray the costs of enforcing this subchapter.

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

B. The Bureau of Parks and Recreation is authorized to use the moneys credited to the Snowmobile Trail Fund of the Bureau of Parks and Recreation to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails on such terms as the bureau determines necessary.

(1) The For all grants to be disbursed after July 1, 1984, the bureau shall determine what trails will be eligible promulgate rules specifying how to apply for the grants, which projects are eligible and the formula for state support.

(2) The bureau may charge a reasonable fee for these services and materials when the moneys credited to it under this paragraph are insufficient to satisfy the demand for the services and materials. All fees so collected shall be deposited in the Snowmobile Trail Fund of the Bureau of Parks and Recreation.

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

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

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

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

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

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

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

C. Any revenue deposited in spray project special accounts attributable to services funded from other state accounts shall be credited to the accounts funding these services. If the General Fund funded these services, the revenue shall be credited to the General Fund Undedicated Revenue Account. In the case where the original source cannot be determined, these funds shall be deposited in the General Fund.

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

1. Establishment; purpose. The director may establish within the State one or more forest nurseries, the maintenance of which shall be paid for from the appropriation for that purpose. The object

of these nurseries is to furnish at cost forest tree seedlings, transplants and shrub material for use in planting the present and potential forest lands within the State. Christmas tree planting stock may be grown in the event that the director determines that additional stock is needed to sustain the Christmas tree industry in the State. The Christmas tree planting stock shall be sold at competitive market prices.

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

3. Resale. No person may resell at a profit seedlings, transplants ~~or~~, shrub material or Christmas tree planting stock with their roots attached received from the nursery or their assigns. Any person who violates this prohibition shall be subject to a civil penalty not to exceed 200% of the value received at resale, payable to the State, to be recovered in a civil action.

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

2. Equipment. The director may establish lookout stations connected by telephone and radio, and construct, equip and maintain office-storehouse headquarters for necessary supplies, tools and equipment and provide for any other facilities essential for forest fire control. All fire lookout towers shall be staffed during periods of fire danger. The director shall notify the joint standing committees of the Legislature having jurisdiction over energy and natural resources and appropriations and financial affairs in writing prior to implementing any major policy changes in the operation and staffing of the fire lookout tower system. Within the Maine Forestry District, the director may, in addition to this subsection, construct and maintain roads and trails. In the event the director determines that any currently active fire tower should not be reopened for the subsequent fire season, he shall provide notice to the Legislature of his intended action by January 15th. This notice shall include the location of the fire towers affected and the justifications for the closure. Notice of closures shall be reviewed by the joint standing committee of the Legislature having jurisdiction over natural resources. Unless the Legislature determines otherwise, the director may close towers so indicated.

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

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

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

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

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

16-C. Monitor. "Monitor" means a person working on a public or private forest insect aerial spray application project whose primary responsibilities are to observe and record meteorological conditions during spray operations, observe and record spray deposition, prepare the spray period report and who has the authority to cease spray applications when conditions require it.

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

23-B. Spray contracting firm. "Spray contracting firm" means a person, as defined in this section, employed or contracted to conduct a public or private forest insect aerial spray application. This term does not include the owner or lessee of land to be sprayed, employees of that landowner or lessee, the Bureau of Forestry, the employees of the Bureau of Forestry or individuals who are certified as commercial applicators.

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

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

1. Certification required; commercial applicators and spray contracting firms. Certification is required for commercial applicators and spray contracting firms as follows.

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

B. No spray contracting firm may use or supervise the use of any pesticide in a major or minor forest insect aerial spray application project within the State without prior certification from the board.

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

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

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

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

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

4. Application. Application for licenses or certification shall be accompanied by such a reasonable fee as the board may establish by regulation. The applicant shall provide such information regarding the applicant's qualifications and proposed operations and other relevant matters as required by the board. Commercial applicators and spray contracting firms shall be required by the board to provide proof of financial responsibility in custom application as to such amounts as the board may, by regulation, designate; private applicators may also be required to provide such proof. All applicants to the board for certification or licensing shall be required to comply with such standards of competency as are established by the board concerning adequate knowledge of pesticide distribution or use and the related dangers and necessary precautions; provided that, in the case of applicants for commercial certification and pesticide dealers' licenses, such compliance shall be demonstrated by written examination in addition to such other criteria, including performance testing, as the board may establish.

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

5. Issuance. No license or certification shall be issued by the board, unless the board determines that the standards for licensing and certification have been met as to those categories for which the applicant has applied and qualified. In the case of the spotter and monitor, the board shall set minimal proficiency requirements with the understanding that the board may choose to change these standards from time to time. The enforcement personnel of the Board of Pesticides Control shall be certified to meet at least the minimal proficiency requirements required of spotters and monitors. If a license or certification is not issued as applied for, the board shall provide written notice to the applicant of the reasons therefor. The license or certificate may be issued upon such terms and conditions as the board deems necessary for the protection of the public health, safety and welfare, and for enforcement and administration of this chapter and the rules and regulations promulgated hereunder pursuant to this chapter.

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

6. Renewal. Certification of commercial applicators, government pesticide supervisors, spotters, monitors, spray contracting firms and licenses of pesticide dealers shall be valid for one year from the date of issuance. Certification of private applicators shall be valid for such period as prescribed by the board by regulation. Application for renewal shall be accompanied by such reasonable fee as the board may by regulation require. The board may, by regulation, require that such renewal application include reexamination or other procedures designed to assure a continuing level of competence to distribute, use or supervise the use of pesticides safely and properly.

If the board fails to renew a license upon application of the licensee or certificate holder, it shall afford the licensee or certificate holder an opportunity for a hearing in conformity with Title 5, chapter 375, subchapter IV.

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

B. The board shall notify the licensee, the certified applicator or the government pesticide

supervisor or certificate holder of the temporary suspension, indicating the basis therefor and informing the licensee, ~~the certified applicator or the supervisor or certificate holder~~ of the right to request a public hearing.

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

C. If the licensee, ~~the certified applicator or the supervisor or certificate holder~~ fails to request a hearing within 20 days of the date of suspension, such right shall be deemed waived. If the licensee, ~~the certified applicator or the supervisor or certificate holder~~ requests such a hearing, notice shall be given at least 20 days prior to the hearing to the licensee, ~~the certified applicator or the supervisor or certificate holder~~ and to appropriate federal and state agencies. In addition, public notice shall be given by publication in a newspaper of general circulation in the State and such other publications as the board deems appropriate.

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

8. Revocation. The Administrative Court may suspend or revoke the certification or license of ~~an applicator, government pesticide supervisor or pesticide dealer~~ a licensee or certificate holder upon a finding that the applicant:

- A. Is no longer qualified;
- B. Has engaged in fraudulent business practices in the application or distribution of pesticides;
- C. Used or supervised the use of pesticides applied in a careless, negligent or faulty manner or in a manner which is potentially harmful to the public health, safety or welfare or the environment;
- D. Has stored, transported or otherwise distributed pesticides in a careless, faulty or negligent manner or in a manner which is potentially harmful to the environment or to the public health, safety or welfare;
- E. Has violated the provisions of this chapter or the rules and regulations issued hereunder;

F. Has made a pesticide recommendation, use or application, or has supervised such use or application, inconsistent with the labelling or other restrictions imposed by the board;

G. Has made false or fraudulent records or reports required by the board under this chapter or under regulations pursuant thereto;

H. Has been subject to a criminal conviction under section 14 (b) of the amended FIFRA or a final order imposing a civil penalty under section 14 (a) of the amended FIFRA; or

I. Has had the license or certificate, which supplied the basis for the Maine license or certification pursuant to subsection 10, revoked or suspended by the appropriate federal or other state government authority.

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

2. Applicators and firms to maintain certain records. All commercial applicators and spray contracting firms shall maintain, for a period of at least 2 years, records indicating the type and amount of pesticide used, the area of use and such other information as the board may require. Said applicators and firms shall provide such information, notification and reports as the board, by regulation, may require.

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

D. Establish the standards for issuance and renewal of licenses of pesticide dealers. These standards shall include, but not be limited to, requirements concerning transportation of pesticides, the applicant's knowledge of applicable federal and state statutes and regulations, and the applicant's understanding of the dangers involved and the precautions necessary for the safe storage and distribution of pesticides; and

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

E. Establish guidelines and requirements for reporting of information by commercial applicators and, pesticide dealers, spray contracting firms and monitors to the board;

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

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

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

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

§1471-R. Notification and monitoring

1. Purpose. The purpose of this section is to protect the public health and safety by requiring a system of notification to the public and to the board for forest insect aerial spray projects and by improving the monitoring of these projects.

2. Scope. The requirements of this section apply to public and private forest insect aerial spray pesticide applications.

3. Notification to the public. Prior to the commencement of a forest insect aerial spray application, notice shall be given to the public as follows.

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

(1) At least 14 days, but not more than 30 days, prior to spray application, notice shall be published in a newspaper of general circulation in the area affected. The notice shall describe the proposed spray activity, the area to be sprayed, the pesticide to be used, the date or dates on which the spraying is proposed to take place, any public precautions which appear on the pesticide label and the name, address and telephone number of persons responsible for the activity from whom more specific information regarding spray areas and times may be obtained.

(2) Any additions of spray blocks or changes in the choice of insecticides from the notification required pursuant to subparagraph (1) shall be published in a newspaper of general circulation in the area af-

ected at least 24 hours before the change is effected.

(3) Notice shall be conspicuously posted at each point of major ingress and egress of the public into the area to be sprayed, including, without limitation, marked foot trails known to be used by the public and roads accessible to 4-wheeled vehicles and open to the public. The notice shall contain the information described in subparagraph (1). The board shall determine the time period the notice shall be posted prior to the commencement and following the completion of the spray project.

B. If the project is a minor forest insect aerial spray application, as defined in section 1471-C, the notification shall be as follows: Notice in a newspaper of general circulation in the areas affected at least 4 days, but not more than 10 days, before the commencement of spray application. The notice shall contain the information required in paragraph A, subparagraph (1).

C. Notice shall otherwise be provided, as required by rule or order of the board, when that board determines additional notification procedures to be necessary to reach the affected public.

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

A. At least 15 days, but not more than 30 days, prior to the commencement of a major forest insect aerial spray application; or

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

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

5. Reports. The following reports shall be prepared.

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

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

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

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

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

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

A. In the case of a forest insect aerial spray program administered pursuant to Title 12, chapter 803, the Bureau of Forestry; and

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

§1471-S. Requirement for spotters and monitors

Major public and private forest insect aerial spray projects shall employ spotters and monitors, as defined in section 1471-C. These personnel shall be certified pursuant to section 1471-D, subsection 2-B. At least one spotter and one monitor shall be with each spray aircraft or spray aircraft team during all

spray application activities. A spotter or monitor shall not serve as the pilot of any aircraft involved in the spray project.

§1471-T. Exemption

The board may exempt a person from compliance with one or more of the requirements of sections 1471-R and 1471-S, if the board finds that the exemption will not result in any unreasonable risk to the public's health, safety or general welfare and is otherwise in the public interest. Any request for exemption shall be made in writing to the board and shall state the reasons for the request. The board shall not grant any exemption, except following notice to the public and opportunity for hearing. Notice and opportunity for hearing shall be in a manner as the board may prescribe and may be at variance with the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, to the extent that the board deems necessary under the circumstances.

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

SUBCHAPTER III

LICENSURE OF OPERATORS

§2621. Definitions

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

1. Board. "Board" ~~shall mean~~ means the Board for ~~Certification~~ Licensure referred to in this subchapter.

2. License. "~~Certificate~~" "License" ~~shall mean~~ means a ~~certificate~~ license issued by the board stating that the applicant has met the requirements for the specified operator classification.

§2622. Classification of public water systems and parts thereof

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

such system or part thereof and specify the qualifications the operator of the system or of a part of a system must have to supervise successfully the operation of the system or parts thereof so as to protect the public health or prevent nuisance conditions.

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

The commissioner, with the advice of the board, may establish classes of public water supply systems which do not require licensed individuals as operators.

§2623. Applicability

The board shall certify persons as to their competency to supervise successfully the operation of a public water system or of a part of a system. It is unlawful for any person to perform the duties of an operator, as defined, without being duly licensed under this subchapter, except as provided in section 2630.

§2624. Board of Licensure

The Governor shall appoint a Board of Certification Licensure composed of 5 6 persons as follows: Two operators who shall be certified as to competency licensed under this chapter, with one of these holding a certificate license of the highest classification issued by the board; one person who shall be from the Department of Human Services, as the commissioner may recommend; one person who shall be a water utility management representative; and one person who shall be an educator whose field of interest is related to water supply; and one member of the general public.

Each member of the board, with the exception of the ex officio member from the Department of Human Services, shall be appointed for a 3-year term. Vacancies shall be filled by appointment of the Governor for unexpired terms.

Members of the board, at the call of the commissioner, shall organize and elect from their number a chairman at the first meeting of each year. On all matters before the board, the chairman may vote only in case of a tie among the other members present and voting. Thereafter, annually, a chairman shall be

elected. The Department of Human Services representative of the board shall serve as secretary of the board and be responsible for maintaining records and providing administrative support.

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

The members of the board shall serve without compensation, except for their actual and necessary expenses incurred while discharging their official duties.

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

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

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

The commissioner, with the advice of the board, may establish classes of public water supply systems which do not require certified individuals as operators.

§2625. Licenses

The board shall issue certificates biennial licenses to individuals to act as operators. The certificate license shall indicate the classification level of the systems or parts of systems for the operation of which the individual is qualified to act as an operator.

Certificates shall continue in effect unless revoked, but shall remain the property of the board, and the certification shall so state.

The board may file a complaint with the Administrative Court to revoke a certificate license of an

operator when the board determines that the operator has practiced fraud or deception; that he has been negligent in that reasonable care, judgment or the application of his knowledge or ability was not used in the performance of his duties; or that the operator is incompetent or unable to perform his duties properly.

The certificates licenses of operators who terminate their employment at a public water system shall remain renewable for 3 years. After 3 years, the certificates licenses shall be automatically invalidated. Operators whose certificates licenses are invalidated under this section may be issued new certificates licenses of a like classification provided appropriate proof of competency is presented to the board.

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

When the unexpired term of license of an applicant is or will be more than one year at the time of licensure, the board may require the applicant to pay an additional fee not to exceed 1/2 the biennial license fee.

Applications for a first examination shall be received by the board at least 5 days prior to a scheduled meeting of the board. The passing grade on any portion of the examination shall be not less than 70%. A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. Any candidate for registration having an average grade of less than 50% may not apply for reexamination for 6 months.

§2625-A. Renewals

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

The board shall notify everyone registered under this subchapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. The notice shall be mailed to the person's last-known address at least 30 days in advance of the expiration date of his license.

§2626. License from outside of Maine

The board, upon application therefor, may issue a certificate license without examination, in a comparable classification, to any person who holds a certificate license in any state, territory or possession of the United States or any country, providing the requirements for certification licensure of operators under which the person's certificate license was issued does not conflict with this chapter and in the opinion of the board are of a standard not lower than that specified by regulations adopted under this chapter.

§2627. License from owner of particular system

Certificates Licenses may be issued without examination to the person or persons certified by the governing body or owner to have been in direct responsible charge of a water treatment plant or a water distribution or public water system between October 1, 1966 and October 1, 1969. A certificate license so issued shall be valid only for that particular classification level of treatment plant or system.

§2628. Rules

The board, with the advice of the commissioner in accordance with any other appropriate state laws, shall make such rules ~~and regulations~~ as are reasonably necessary to carry out the intent of this subchapter. The rules ~~and regulations~~ shall include, but are not limited to, provisions establishing requirements for certification licensure and procedures for examination of candidates and such other provisions as are necessary for the administration of this subchapter.

§2629. Fees

Upon payment of a fee not to exceed \$25 and completion of an application for examination, the applicant shall be scheduled for an examination. The application fees, biennial renewal fees and reinstatement fees shall be established by the board by rule and shall be based upon different classifications of water treatment systems and the levels of competence to operate various water systems. The application fee shall not exceed \$35, the biennial renewal fee shall not exceed \$30. The revenues derived from the fees shall be deposited by the board in a special account to be used to defray the expenses incurred by the board. Revenues derived from applicants failing the examination shall be retained by the board.

§2630. Licensure; temporary conditional waiver

On and after October 1, 1971, it shall be unlawful for any supplier of water to operate a public water system unless the competency of the operator or operators is duly certified by the board under this subchapter. It shall be unlawful for any person to perform the duties of an operator, as defined, without being duly certified under this subchapter.

If a supplier of water loses its certified licensed operator, it shall secure a new certified licensed operator or enter into a contractual agreement with a certified licensed operator of proper classification until a new operator has been employed for the supplier of water.

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

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

§2631. Violations

1. Violation. Any person violating any provision of this subchapter or the rules and regulations adopted under this subchapter, commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. Each day of operation in violation of this subchapter or any rules and regulations adopted under this subchapter shall constitute a separate violation.

2. Injunctive relief. The commissioner may commence or cause to be instituted a civil action in the Superior Court under subsection 1, to seek injunctive relief to prevent the violation of this subchapter, to prevent the violation of any rule or regulation issued pursuant to this subchapter or to require a public water system or supplier of water to take other action necessary to comply with this subchapter, with or without a prior order from the commissioner or department.

In addition to the county in which the principal place of business of the supplier of water is lo-

cated, the action may be instituted in the Superior Court of Kennebec County.

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

§3705. Exception for certain publications of the Department of Inland Fisheries and Wildlife

Nothing in this chapter may prevent persons who are not law enforcement officers from selling the advertising space in promotional and educational publications of the Department of Inland Fisheries and Wildlife.

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

§800. Membership

Members of the committee shall be citizens of the State who have an unselfish and demonstrated interest in equal opportunity for disabled people. No more than 5 members may be individuals employed, retained or otherwise compensated by or representative of the executive branch of State Government. ~~At least 2 members shall be current members of the Legislature, one from the House of Representatives and one from the Senate.~~ The committee shall include representatives of health, educational, labor, business, public, private voluntary and advocacy organizations.

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

§4163. Funds from public reserved lands

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

Expenditures from the Public Reserved Lands Management Fund are subject to legislative approval in the same manner as appropriations from the General Fund. No money may be expended without allocation by the Legislature. The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs shall approve the allocation.

The Director of the Bureau of Public Lands shall use 50% of the net income derived from camp leases on public reserved lands under section 4162, subsection 4 for the construction and maintenance of public overnight campsites and other camping and recreational facilities.

Sec. 59. 36 MRSA §1503, sub-§3, as enacted by PL 1983, c. 92, Pt. B, §9, is amended to read:

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

Sec. 60. 36 MRSA §1506, as enacted by PL 1983, c. 92, Pt. B, §9, is amended to read:

§1506. Rulemaking

The Commissioner of Marine Resources, after consultation with the Commissioner of Inland Fisheries and Wildlife and the Director of the Division of ~~Recreational~~ Safety Licensing and Registration, may adopt rules and establish such forms and procedures as are necessary for the efficient administration and enforcement of the excise tax established by this chapter.

Sec. 61. 38 MRSA §321, first ¶, as amended by PL 1973, c. 460, §19, is further amended to read:

The Director of the Bureau of Parks and Recreation, with the advice of the Bureau of Parks and Recreation, shall acquire, construct and maintain, within the funds available, public facilities for boats in the waters of the State, including but not limited to launching ramps, locks, parking sites and access roads. Waters of the State means any waters within the territorial limits of the State, and the marginal sea adjacent to the State.

Sec. 62. 38 MRSA §391, as enacted by PL 1977, c. 123, §2, is amended by adding at the end a new paragraph to read:

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

Sec. 63. 38 MRSA §482, sub-§2, as amended by PL 1981, c. 449, §§4 and 9, is further amended to read:

2. Development which may substantially affect the environment. "Development which may substantially affect the environment," in this Article called "development," means any state, municipal, quasi-municipal, educational, charitable, commercial or industrial development, including subdivisions, which occupies a land or water area in excess of 20 acres, or which contemplates drilling for or excavating natural resources, on land or under water where the area affected is in excess of 60,000 square feet, or which is a mining activity, or which is a hazardous activity, or which is a structure; but excluding state highways, state aid highways, and borrow pits for sand, fill or gravel, of less than 5 acres or when regulated by the Department of Transportation, and such borrow pits entirely within the jurisdiction of the Maine Land Use Regulation Commission under, chapter 206-A.

No person shall construct or cause to be constructed or operate or cause to be operated, or in the case of a subdivision sell, offer for sale, or cause to be sold, any development requiring approval under section 483 without first having obtained approval for such construction, operation or sale from the Board of Environmental Protection.

Sec. 64. 38 MRSA §488, as amended by PL 1983, c. 369, is further amended by adding at the end a new paragraph to read:

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

Sec. 65. 38 MRSA §965, as enacted by PL 1979, c. 459, §1, is amended to read:

§965. Fees

The commission may establish reasonable fees for permit applications, variance applications and certificates of compliance. The funds derived from the collection of such fees shall be paid into the General Fund of the State retained by the commission. The Commission may also establish a reasonable schedule of fees for providing copies of this chapter, maps of district boundaries, the comprehensive plan, copies of rules and regulations, performance standards, official publications or other materials which may be requested by the public. The fees for any such mate-

rials shall be retained by the commission and used to defray the expense of printing, copying, mailing or otherwise providing such materials to the public.

Sec. 66. Snowmobile and watercraft registration. The Department of Inland Fisheries and Wildlife shall submit any major changes in the present operation of the registration program for snowmobile and watercraft to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife for review prior to implementation.

Sec. 67. Transfer from Boating Facilities Fund. The amount of \$8,000 shall be transferred from the Boating Facilities Fund in the Bureau of Parks and Recreation to General Fund Undedicated Revenue to reimburse the General Fund for expense associated with operating the Songo Lock in fiscal year 1984.

Sec. 68. Spray project accounts. A total of \$382,505 that had been deposited in spray project special accounts from program years 1979 to 1983 that was generated by services funded from other accounts shall be credited to those accounts that provided the services. Two hundred eighty-nine thousand, one hundred thirty-six dollars shall be transferred to General Fund Undedicated Revenue and the remainder to dedicated and special revenue accounts to reimburse them fully for program year 1983 direct costs and for a pro rata portion of their direct costs in program years 1979 to 1982.

Sec. 69. Reorganization of Department of Inland Fisheries and Wildlife. There shall be a reorganization of the Department of Inland Fisheries and Wildlife following the guidelines prescribed in this Act and the 5th annual report of the Joint Standing Committee on Audit and Program Review issued during the Second Regular Session of the 111th Legislature. This reorganization shall take place within the existing resources of the department and the reallocation of fish and wildlife funds in this Act. If additional funds are needed for the purpose of reorganization, the department shall use salary savings from Personal Services.

It is the Legislature's intent that the reorganization shall give attention to using existing staff resources wherever possible. Further, the elimination of positions of the Director of the Division of Fisheries and Hatcheries and Director of the Division of Wildlife Management shall become effective upon the vacancy of these positions, but not before the effective date of this Act.

Sec. 70. Reimbursement of General Fund for the State Nursery Supervisor. The General Fund shall be reimbursed by the dedicated nursery funds for the amount of personal services the nursery received since April 8, 1981, to the present, for the current supervisor, after the nursery has repayed its capital advance, or earlier, if possible.

Sec. 71. Direct service field personnel. In reorganizing the Bureau of Forestry, the bureau shall allocate its resources to maximize the provision of direct in-the-field service and minimize the resources devoted to administration of the bureau and its programs.

PART B

Adjustments to General Fund. In order to provide for necessary adjustments of the General Fund to implement the recommendations of the Joint Standing Committee on Audit and Program Review, appropriations are adjusted by the amounts designated in the following tabulations.

DEPARTMENT OR AGENCY

APPROPRIATIONS FROM THE GENERAL FUND 1984-85

CONSERVATION, DEPARTMENT OF

Parks General Operations

Personal Services

(\$ 8,000)

Transfers 2 seasonal
positions to the Boat-
ing Facilities Fund to
operate Songo Lock.

TREASURER OF STATE (OFFICE OF)

Treasurer - Debt Service

All Other

(3,040)

This decrease in appro-
priations for debt ser-
vice is offset by a
transfer from the bond
redemption account of
unused bond funds au-
thorized by Private and
Special Law 1971, chap-
ter 140, for develop-
ment of parks at Tyler
Pond, Damariscotta Lake
and Poland totaling
\$3,040.

TOTAL PART B

(\$11,040)

PART C

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

1983-84 1984-85

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Fish and Wildlife - Central
Administrative Services

Unallocated \$(16,490) \$(103,200)

This provides for the reorganization of the Department of Inland Fisheries and Wildlife which includes the elimination of 3 positions on May 1, 1984, to include the Staff Attorney, Business Manager and Accountant II. Two positions, the Director of the Division of Wildlife Management and the Director of the Division of Fisheries and Hatcheries shall be eliminated in accordance with Part A, section 70 and an additional position, a Fisheries Biologist III, shall be changed to reflect the job functions of Fisheries Management Supervisor.

Fish and Wildlife - Central
Administrative Services

Unallocated \$16,490 \$103,200

This provides for the reorganization of the Department of Inland Fisheries and Wildlife and reestablishes 4 positions: The Director

of the Bureau of Administrative Services; Director of the Bureau of Resource Management; Fisheries Management Supervisor; and Accountant III as Director of the Division of Administrative Services.

TOTAL PART C

\$ -0-

\$ -0-

Emergency clause. This Act shall become effective on July 1, 1984, except that Part A, sections 1 to 5, 36 and 69 shall become effective when approved; Part A, section 17 (except for the Revised Statutes, Title 12, section 7017), 18 and 70 and Part C shall become effective on May 1, 1984; Part A, sections 40 to 54 shall become effective January 1, 1985; and sections 8 and 58 shall become effective July 1, 1985.

Effective July 1, 1984, unless otherwise indicated.

CHAPTER 820

S.P. 913 - L.D. 2452

AN ACT to Replace the Regional Refuse Disposal District Enabling Act.

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

Sec. 1. 38 MRSA c. 15, as enacted by PL 1973, c. 371, is repealed.

Sec. 2. 38 MRSA c. 17 is enacted to read:

CHAPTER 17

MAINE REFUSE DISPOSAL DISTRICT ENABLING ACT

SUBCHAPTER I

GENERAL PROVISIONS