

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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upon any party whose appeal appears to the court not to be a fit subject for judicial inquiry or appears to be intended for delay.

Sec. 2. 35 MRSA §304 is repealed.

Sec. 3. 35 MRSA §305, as amended by PL 1977, c. 461, is repealed.

Effective July 16, 1986.

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## CHAPTER 664

H.P. 1591 - L.D. 2244

**AN ACT to Establish the Cost of the 1986  
Spruce Budworm Suppression Project and  
to Provide Operating Funds for the  
Spruce Budworm Management Program.**

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

Whereas, prompt determination of the cost of the spruce budworm spray project is necessary in order to establish preproject taxes to be assessed on landowners in the Spruce Fir Forest Protection District; and

Whereas, the uncertainty of the need for a spray project in 1987 necessitates modification in the Maine Spruce Budworm Management Act to allow the director to plan for that contingency; and

Whereas, the reduction in size of the Spruce Budworm Suppression Program necessitates a reorganization to reduce administrative overhead; 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:

Sec. 1. 12 MRSA §8426, sub-§§1 and 2, as amended by PL 1985, c. 58, §2, are further amended to read:

1. Recommendation of the director. On or before January 1st of each year, the director shall report in writing to the Bureau of the Budget and to the Legislature his estimate of the costs of implementation of any management program proposed for that ~~calendar~~ program year, along with his estimate of the cost of funding program planning activities for the period beginning October 1st and ending on April 30th of the following year.

If the director finds that no spray project is necessary in ~~1986~~ 1987, he shall make a determination of the need for ongoing management program activities. The director shall base his determination upon recommendations of affected landowners and the public, and other factors that the director deems to be in furtherance of the legislative policies of this subchapter. On or before January 1, ~~1986~~ 1987, the director shall report in writing to the Legislature his estimate of the costs of implementation of the management program activities determined to be necessary, along with a complete description of the activities and the related staff requirements. Management program activities in a year without a spray project shall include only necessary budworm survey and detection, research and administration. The director shall include in his report any recommended changes to this subchapter to ensure the implementation of equitable methods for financing ongoing budworm survey activities in years with no spray project, consistent with the legislative policies of this subchapter.

2. Authorization by Legislature. Following the recommendation made in accordance with subsection 1, the Legislature shall determine, not later than March 1st, the amount, if any, authorized for expenditure for any management program in that ~~calendar~~ program year. That excise tax shall be assessed and collected in accordance with section 8427, subsection 2. At the same time, the Legislature shall determine the amount, if any, authorized for expenditure for preproject planning during the period beginning October 1st and ending April 30th of the following year.

**Sec. 2.** 12 MRSA §8427, sub-§3, ¶D-1, as enacted by PL 1985, c. 58, §4, is amended to read:

D-1. In the event that no spray project is conducted in a given year, the amount computed under paragraph ~~E~~ A shall be raised by a post-project shared tax, applicable to all taxable acres in the district, the per acre rate of which shall be calculated by dividing the sum to be raised by

the number of acres within the district, as designated by the director.

Sec. 3. 12 MRSA §8428, sub-§§9 to 11 are enacted to read:

9. Cooperation. The director shall consult and cooperate with the United States Forest Service, other agencies of the United States and of any state, the dominion government of Canada, the governments of any provinces of Canada and public and private landowners in the State in developing and undertaking joint management program activities.

10. Report. The director shall, at the end of each calendar year, undertake a complete financial review of any management program activities undertaken that year and shall make a full report on the activities to the next session of the Legislature. The report shall include, but not be limited to, sources of funding, private, state or federal and total expenditures broken down in the following categories: Insecticides, aircraft, monitoring, research and other appropriate categories. Also to be included shall be a statement of any remaining balance by source, private, state or federal.

11. Permit applications. The director shall be responsible for processing all applications for regulatory permits and approvals for spray project operations as required by this subchapter.

Sec. 4. 12 MRSA §8429, as amended by PL 1981, c. 278, §11, is repealed.

Sec. 5. Spruce Budworm Management Program cost. In accordance with the Maine Revised Statutes, Title 12, section 8426, the Legislature determines the cost of the 1986 Spruce Budworm Management Program is \$403,000.

Sec. 6. Preproject planning cost. In accordance with the Maine Revised Statutes, Title 12, section 8426, the Legislature determines the cost of preproject planning activities for the period beginning October 1, 1986, and ending April 30, 1987, is \$200,000.

Sec. 7. Extension. The Maine Revised Statutes, Title 12, section 8426, subsection 2, notwithstanding, the time for legislative determination of the

amount authorized for expenditure for the 1986 Spruce Budworm Management Program is extended to March 30, 1986..

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

Effective April 11, 1986.

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## CHAPTER 665

H.P. 1605 - L.D. 2262

### AN ACT Concerning Private Adoptions.

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

19 MRSA §537-A is enacted to read:

§537-A. Interstate placements

1. Adoption of child from another state. Any person or agency who intends to bring a child to this State from another state for the purpose of adoption must provide Department of Human Services certification of compliance with Title 22, chapter 1153, to the Probate Court.

2. Adoption of child to be taken to another state. Any person or agency who intends to remove a child from this State for the purpose of adoption in another state must obtain from the Department of Human Services certification of compliance with Title 22, chapter 1153, prior to the removal of the child from this State.

3. Probate Court may not grant petition without certification. The Probate Court may not grant a petition to adopt a child who has been brought to or is to be removed from this State for the purpose of adoption without Department of Human Services certification of compliance with Title 22, chapter 1153.

4. Advertisements must state that compliance required. Any person or agency who advertises in a newspaper or other public medium within this State to