

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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1987

Sec. 2. 5 MRSA §209, as amended by PL 1981, c. 339, is further amended by adding at the end a new paragraph to read:

In any action by the Attorney General brought against the defendant for violating the terms of an injunction issued under this section, the court may make such orders or judgments as may be necessary to restore to any persons who have suffered any ascertainable loss by reason of such conduct found to be in violation of an injunction, any money or property, real or personal, which may have been acquired by means of such conduct.

Effective September 29, 1987.

CHAPTER 308

S.P. 452 — L.D. 1379

AN ACT to Clarify the Department of Conservation Laws.

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

Sec. 1. 12 MRSA §543, sub-§2, ¶B, as amended by PL 1985, c. 785, Pt. B, §59, is repealed.

Sec. 2. 12 MRSA §553, sub-§3, ¶B, as amended by PL 1985, c. 785, Pt. B, §60, is repealed.

Sec. 3. 12 MRSA §602, sub-§10, as amended by PL 1973, c. 460, §19, is repealed.

Sec. 4. 12 MRSA §602, sub-§10-A is enacted to read:

10-A. Accept gifts. To accept gifts and bequests of money or other personal property to be used in advancing the recreational and conservation interests in state parks and outdoor recreation;

Sec. 5. 12 MRSA §685, as amended by PL 1979, c. 541, Pt. A, §128, is further amended to read:

§685. Commission budget, financing and executive director

The Commissioner of Conservation shall prepare a biennial budget and shall submit to the Legislature requests for appropriations sufficient to carry out its assigned tasks. The commission may accept contributions of any type from any source to assist it in carrying out its assigned tasks, and make such requirements in respect to the administration of such funds, not inconsistent with this subchapter, as are required as conditions precedent to receiving such funds, federal or otherwise. The commission shall give public notice of all contributions, in the state paper, stating the source, the amount and the purpose of such contributions. The commission may contract with municipal, State and Federal Governments or their agencies to assist in the carrying

out of any of its assigned tasks. The Commissioner of Conservation, with the consent of a majority of the commission, shall appoint a director who shall be the principal administrative, operational and executive employee of the commission. The director shall attend all meetings of the commission and be permitted to participate fully but shall not be a voting member of the commission. ~~The director with the approval of the Commissioner of Conservation may hire whatever competent professional personnel and other staff he deems necessary and he may obtain office space, goods and services as required.~~

Sec. 6. 12 MRSA §5012, 2nd and 3rd ¶¶, as amended by PL 1983, c. 819, Pt. A, §16, are further amended to read:

The commissioner shall have the power to appoint a director of administrative services, a deputy commissioner and bureau heads and other staff of the department, subject to the Civil Service Law, and prescribe their duties as shall be necessary for the proper performance of the duties of the department.

The director of administrative services and, the deputy commissioner and bureau heads shall serve at the pleasure of the commissioner, except that dismissal of the Executive Director of the Maine Land Use Regulation Commission shall require the consent of a majority of the members of that commission.

Sec. 7. 12 MRSA §5012, 4th ¶, as amended by PL 1975, c. 771, §157, is further amended to read:

The commissioner may, subject to the approval of the Governor, apply for and accept on behalf of the State any funds, other personal or real property, including grants, bequests, gifts or contributions from any person, corporation or government, including the Government of the United States. Such funds shall be deposited in a separate account with the Treasurer of State and received by him on behalf of the State received by the Treasurer of State on behalf of the State and deposited in an appropriate new or existing account in the department. All such funds may, subject to the rules and regulations promulgated by the Governor, be expended by the Commissioner of Conservation.

Sec. 8. 12 MRSA §5012, 5th ¶, as enacted by PL 1977, c. 360, §19, is amended to read:

The commissioner may, on behalf of the department, enter into such agreements with any person, corporation or state and local agencies and authorities or local government agency or authority as will promote the objectives of the department.

Sec. 9. 12 MRSA §8003, sub-§3, ¶B, as amended by PL 1985, c. 785, Pt. B, §73, is repealed.

Sec. 10. 12 MRSA §8003, sub-§3, ¶M, as amended by PL 1983, c. 819, Pt. A, §35, 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. Property at the state nursery may be sold if surplus to the needs of the nursery and the proceeds shall be retained to be used for improvements at the nursery. At least 60 days prior to offering any surplus property for sale under this paragraph, the director shall notify the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over natural resources of his intent to sell the property.

Sec. 11. 38 MRSA §323, as amended by PL 1973, c. 460, §19, is further amended by adding at the end a new paragraph to read:

The Director of the Bureau of Parks and Recreation, when in his opinion it is in the State's best interest, may charge reasonable amounts for the actual costs of providing materials and services associated with the construction and repair of boating facilities.

Effective September 29, 1987.

CHAPTER 309

S.P. 498 — L.D. 1515

AN ACT to Extend the Sunset Provision of the Maine Revised Statutes, Title 5, section 17004.

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

5 MRSA §17004, 2nd ¶, as enacted by PL 1985, c. 711, §2, is amended to read:

This section is repealed on October 1, ~~1987~~ 1988.

Effective September 29, 1987.

CHAPTER 310

H.P. 1162 — L.D. 1588

AN ACT to Continue on an Annual Basis the Registration Fee Charged to Pesticide Manufacturers and Other Registrants in 1987.

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

Sec. 1. 7 MRSA §607, sub-§6, as amended by PL 1985, c. 627, §1, is repealed and the following enacted in its place:

6. Registration fee; validity. The applicant desiring to register a pesticide shall pay an annual registration fee, except as otherwise provided in this subsection, of \$75 for each pesticide registered for that applicant. Ten dollars of each \$75 shall be used for purposes of funding research, analysis and evaluation relating to public health concerns arising out of pesticide use. The annual registration fee is \$65 for any pesticide for which the applicant indicates, by affidavit or other method satisfactory to the department, that retail sales do not exceed \$6,000 per year in this State. All such registrations shall expire on December 31st of any one year or in a manner consistent with the Maine Administrative Procedure Act as to license expiration, Title 5, section 10002, whichever is later.

Sec. 2. Allocation. The following funds are allocated from other special revenue to carry out the purpose of this Act.

	1987-88	1988-89
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AGRICULTURE, FOOD AND
RURAL RESOURCES,
DEPARTMENT OF

Board of Pesticides Control

Positions	(2)	(3)
Personal Services	\$64,000	\$78,000

Provides funds for continuation of one seasonal, full-time inspector position, a transfer of one full-time inspector position from the federal grant and creation of a new position to direct certification and licensing activities.

Effective September 29, 1987.

CHAPTER 311

H.P. 1200 — L.D. 1635

AN ACT to Correct an Incorrect Personnel Description in the Law Relating to the Board of Pesticides Control.

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

Whereas, Public Law 1985, chapter 627, incorrectly describes the personnel intended to be funded by that chapter; and

Whereas, this incorrect description defeats the purpose of the chapter, which was to enable the Board of Pesticides Control to hire a seasonal inspector to provide additional inspection capability during the May to October spray season; and