

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

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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This section is repealed on October 1, ~~1987~~ 1988.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Sec. 1. 7 MRSA §607, sub-§6, as amended by PL 1985, c. 627, §1, is repealed and the following enacted in its place: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

Whereas, the correction of the description as provided herein will enable the board to fulfill the purpose originally intended by the chapter; 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:

PL 1985, c. 627, §2 is repealed and the following enacted in its place:

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

	1986-87	1987-88
<u>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</u>		
<u>Board of Pesticide Control</u>		
Positions	(1.0)	(1.0)
Personal Services	\$ 3,700	\$11,200
All Other	7,000	27,100
Capital Expenditures	11,000	_____
Total	\$21,700	\$38,300

Provides for the allocation of received funds in calendar year 1987 to hire a seasonal, full-time Pesticide Control Technician who will be employed from April to October, 1987 and to replace a 4-wheel drive truck, as well as to restore anticipated losses of federal grant money which has supported the board's ability to monitor pesticide use.

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

Effective June 15, 1987.

CHAPTER 312

H.P. 1252 — L.D. 1710

AN ACT to Regulate Freshwater Fisheries in Coastal Waters.

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

Sec. 1. 12 MRSA §6001, sub-§17-A is enacted to read:

17-A. Freshwater fish. "Freshwater fish" means the following fish species, when found in coastal waters as defined in subsection 6: Brown trout; largemouth bass; smallmouth bass; black crappie; rainbow trout; brook

trout; chain pickerel; and landlocked salmon.

Sec. 2. 12 MRSA §6001, sub-§26, as enacted by PL 1977, c. 661, §5, is amended to read:

26. Marine organism. "Marine organism" means any animal, plant or other life that usually inhabits salt water coastal waters.

Sec. 3. 12 MRSA §6003 is enacted to read:

§6003. Coordination of fisheries management

The Commissioner of Marine Resources, in consultation with the Commissioner of Inland Fisheries and Wildlife, may regulate the taking of freshwater fish species in coastal waters. Rules shall be promulgated in accordance with section 6171. Whenever a bag limit on freshwater fish species in coastal waters exists, as defined in section 6001, subsection 17-A, no person may possess more than one day's bag limit, regardless of whether the fish are taken from inland or coastal waters.

Effective September 29, 1987.

CHAPTER 313

S.P. 169 — L.D. 473

AN ACT Making Changes to the Dietitian Registration Act.

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

Sec. 1. 32 MRSA §9901, first ¶, as enacted by PL 1985, c. 389, §28, is amended to read:

In order to recognize the professional qualifications of dietitians and dietetic technicians and to assure the availability to the public of information regarding those who hold themselves out to be dietitians and dietetic technicians, it is the purpose of this chapter to provide for the registration licensing of qualified dietitians and dietetic technicians.

Sec. 2. 32 MRSA §9902, sub-§§1, 5 and 6, as enacted by PL 1985, c. 389, §28, are amended to read:

1. Board. "Board" means the Board of Registration Licensing of Dietetic Practice established under this chapter.

5. Licensed dietetic technician. "Registered Licensed dietetic technician" means a person registered licensed under this chapter who practices dietetics under the supervision of a dietitian who is registered licensed in accordance with this chapter.

6. Licensed dietitian. "Registered Licensed dietitian" means a person who practices dietetics and who