

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

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1987

D. Annually submit to the department a seeding and harvesting report for the past year and plan for the coming year. Upon written request, a copy of the report shall be provided by the department to the municipality or municipalities in which or adjacent to which the lease is located.

11. Revocation. The lease shall be monitored by the department on an annual basis. If substantially no research or aquaculture has been conducted within the preceding year, or if it has been conducted in a manner substantially injurious to marine organisms, or if any other condition of the lease has been violated, the commissioner shall initiate revocation proceedings and may revoke the lease. A lease revocation shall be an adjudicatory proceeding under the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. A hearing with public notice shall be held prior to revoking any lease.

12. Renewal. The commissioner shall grant a lease renewal unless the prior lessee has not complied with the lease agreement during its term, substantially no research or aquaculture has been conducted, or the commissioner finds that it is not in the best interest of the State to renew the lease or the renewal will cause the lessee to continue being a tenant of any kind in leases covering an aggregate of more than 150 acres. Renewals may be granted if applied for no later than 30 days after the lapse of the prior lease. A lease renewal shall be an adjudicatory proceeding under the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV. Public notice shall be given as required under subsection 6 of this section and a hearing shall be held if it is requested by an interested person in writing by 5 persons.

12-A. Transferability. A lease may be transferred to another person for the remaining portion of its term subject to the following conditions.

A. Lease transfers shall be subject to the same procedural requirements as initial applications, except that a public hearing is not mandatory unless requested by an interested person in writing by 5 persons.

B. The commissioner may grant lease transfers if he determines that:

- (1) The change in lessee does not violate any of the standards in subsection 7;
- (2) The transfer is not intended to circumvent the intent of subsection 8; and
- (3) The transfer is not for speculative purposes; and
- (4) The transfer will not cause the transferee to be a tenant of any kind in leases covering an aggregate of more than 150 acres.

13. Regulations. The commissioner may adopt or amend regulations:

A. Establishing minimum standards for maintaining leases;

B. For procedures to issue, transfer, review or revoke leases; and

C. For notices and hearings to the extent that those procedures are not established by this section or the Maine Administrative Procedure Act, Title 5, chapter 375;

D. For regulating the harvest of wild organisms to be cultured on aquaculture leases;

E. For establishing and revaluing fees and rents related to aquaculture; and

F. For defining application requirements and decision criteria.

14. Conflicts. Whenever a project described in a pending aquaculture lease conflicts or could conflict with a project described in a pending submerged lands act lease, the commissioner and the Commissioner of Conservation shall determine which project is in the best interests of the State.

15. Rules. The commissioner shall promulgate rules by January 1, 1988, to define a mussel seed size or seed management and harvest season.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1987-88	1988-89
<u>MARINE RESOURCES, DEPARTMENT OF</u>		
Bureau of Development		
Positions	(1)	(1)
Personal Services	\$28,264	\$37,685
All Other	6,000	8,000
Capital Expenditures	9,000	
These funds are for a full-time employee to implement aquaculture management initiatives within the department.		
TOTAL	\$43,264	\$45,685

Effective September 29, 1987.

CHAPTER 454

H.P. 229 — L.D. 297

AN ACT to Improve the Informal Conference Process for Workers' Compensation Claims.

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

Whereas, the increased caseload and informal conferences of the Workers' Compensation Commission necessitates adding additional staff to the Office of Employee Assistants immediately so that the commission may carry out its purposes; 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. 39 MRSA §92, sub-§6, as repealed and replaced by PL 1985, c. 601, §5, is amended to read:

6. Office of Employee Assistants. The chairman shall provide adequate funding for an Office of Employee Assistants and shall, subject to the Personnel Law, appoint the assistants to staff the Augusta office and district offices. Assistants are not attorneys, but should demonstrate a level of expertise roughly equivalent to that of insurance claims' analysts. The purpose of employee assistants is to provide advice and assistance to employees under this Act and particularly to assist employees in preparing for and assisting at informal conferences under section 94-B. In addition, if an employer appeals a decision of the commission or institutes any proceeding against an employee under this Act, the Office of Employee Assistants shall, upon request, advise an employee how to best prepare for and proceed with his case.

No employee of the Office of Employee Assistants may represent before the commission any insurer, self-insurer, group self-insurer, adjusting company or self-insurance company for a period of 2 years after terminating employment with the office.

The chairman shall appoint 6 employee assistants and a supervisor of employee assistants. After January 1, 1984, the chairman may appoint up to 4 5 additional assistants if, in the chairman's judgment, the additional assistants are necessary to effectuate the purposes of this subsection.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

WORKERS' COMPENSATION COMMISSION

Positions	(2)
Personal Services	\$56,861
All Other	10,070
Capital Expenditures	1,200
Total	<u>\$68,131</u>

1987-88

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

Effective June 26, 1987.

CHAPTER 455

H.P. 1261 — L.D. 1721

AN ACT to Give the Aroostook County Budget Committee Final Approval Authority Over the County Budget.

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

Sec. 1. 30 MRSA §1421, as enacted by PL 1985, c. 737, Pt. A, §85-B, is amended to read:

§1421. Purpose

The purpose of this chapter is to establish in Aroostook County a method of appropriating money for county expenditures, including expenditures for municipal services in the unorganized territory, according to a budget, which shall first be adopted by a budget committee and shall then be approved by the Legislature. This chapter amends the present statutory method in sections 252 and 253 by creating a committee elected by Aroostook County municipal officers with authority to ~~adopt or amend~~ advise on the budget. The Legislature shall continue to have authority to approve, ~~but not to amend,~~ the budget. This chapter applies only to Aroostook County.

Sec. 2. 30 MRSA §1423, sub-§1, ¶H is enacted to read:

H. Two out of the 3 members from each commissioner's district shall be municipal officers.

Sec. 3. 30 MRSA §1425, sub-§5, as enacted by PL 1985, c. 737, Pt. A, §85-B, is amended to read:

5. Final budget approval. Prior to January 15th of the fiscal year for which the budget is prepared, the budget committee shall submit the proposed budget to the Legislature. ~~The Legislature shall approve or disapprove the budget as submitted prior to April 1st of each year.~~

~~If the Legislature disapproves of the budget, the budget committee shall submit within 15 calendar days, new budget proposals in accordance with subsection 1 and the provisions of this section shall be followed until a budget is finally approved.~~

The budget as approved by the Legislature shall be the final authorization for the assessment of county taxes. The budget shall be transmitted to the county commissioners and the county tax authorized shall be approved.