

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987

and the

**SECOND REGULAR SESSION**

January 6, 1988 to May 5, 1988

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

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Twin City Printery  
Lewiston, Maine  
1988

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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tions from breeding programs. The board shall establish an isolated facility at the Porter Farm to produce a sufficient volume of pathogen-free seedstocks of advanced selections from breeding programs, in order to:

A. Provide extensive and rigorous pathogen testing on the seedstocks introduced, cultured and multiplied in the facility;

B. Establish systematic production of pathogen-free seedstocks by meristem culture after heat therapy to free the stocks of any infectious viruses; and

C. Provide limited increase of the pathogen-free seedstocks in the field to produce quality seed potatoes for further evaluation by breeders and growers.

5. Challenge grants. The commissioner shall establish a challenge grant program to help in establishing field trials for new potato varieties. Grant proposals shall be approved by the commissioner after review and recommendation by the Potato Plant Breeder at the Maine Agricultural Experiment Station in Presque Isle, the Director of the Division of Plant Industry, the chairman of the seed grower's executive council of the Maine Potato Board and the Director of the Seed Potato Board. Grants may be given to farmers outside of this State. Grants may consist of seed, and assistance in determining cultural practices, and a percentage of the farmer's production costs to be determined by the commissioner. Those receiving grants shall cooperate with the agronomist of the Maine Agricultural Experiment Station in developing the best cultural practices and sharing production and marketing information.

6. Reporting. The agronomist of the Maine Agricultural Experiment Station shall monitor the sales and performance of new potato varieties and shall report annually to the commissioner and the joint standing committee of the Legislature having jurisdiction over agriculture. The report shall summarize the field trial program and address total sales of new seedstock, adoption of new varieties by the State's farmers, yields, quality and other indicators of performance.

7. Potato Variety Development Fund. There is established a nonlapsing Potato Variety Development Fund. The Commissioner of Agriculture, Food and Rural Resources may accept money for this fund from the Federal Government or any public or private source and make expenditures from this fund in order to carry out activities relative to the program. Any General Fund money appropriated for potato variety development shall be deposited into the Potato Variety Development Fund.

8. Rules. The commissioner shall adopt rules, according to the requirements of the Maine Administrative Procedure Act, Title 5, chapter 375, for the interpretation and implementation of this section.

**Sec. 2. Appropriation.** The following funds are ap-

propriated from the General Fund to carry out the purposes of this Act.

1988-89

AGRICULTURE, FOOD AND RURAL  
RESOURCES, DEPARTMENT OF

Bureau of Agricultural Production

All Other

\$50,000

This funding represents the first installment of a proposed 5-year plan. The Federal Government, through the United States Department of Agriculture-Agriculture Research Service, will provide companion funding. This bill provides \$35,000 to fund an agronomist position at the Maine Agricultural Experiment Station in Presque Isle to encourage and monitor the use of new potato varieties in cooperation with other cooperating agencies; \$11,500 to the Porter Farm to defray startup and operating costs; \$3,500 to fund the challenge grant program which is created in this Act.

Effective August 4, 1988.

## CHAPTER 814

S.P. 855 — L.D. 2231

### AN ACT Relating to Coastal Search and Rescue Responsibilities and Creating the Study Commission on Coastal Search and Rescue.

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

**Sec. 1. 12 MRSA §6029 is enacted to read:**

**§6029. Search and rescue operations**

The Bureau of Marine Patrol is authorized to provide search and rescue services along the coastal waters of the State.

**Sec. 2. Commission established.** There is established the Study Commission on Coastal Search and Rescue.

1. **Membership.** The commission shall be composed of the 11 members selected as follows: Two Senators selected by the President of the Senate representing the Joint Standing Committee on Marine Resources and the Joint Standing Committee on State and Local Government; 4 representatives selected by the Speaker of the House, representing the Joint Standing Committee on Marine Resources, the Joint Standing Committee on State and Local Government and the Joint Standing Committee on Appropriations and Financial Affairs; the Chief of the Bureau of Marine Patrol or the chief's designee; the Commissioner of Marine Resources; the Direc-

tor of the Bureau of Parks and Recreation; a representative of the United States Life Saving Association; and a representative of the United States Coast Guard. The representatives from the United States Life Saving Association and the United States Coast Guard shall be appointed by the Governor and be nonvoting members.

2. **Duties.** The commission shall study the need for additional personnel within the Bureau of Marine Patrol to cover its responsibilities adequately along the Maine coast and, specifically, whether increased personnel should be provided to enable the Bureau of Marine Patrol to take a more active role in search and rescue activities. Specifically, the commission shall address the following issues:

- A. The feasibility of creating positions within the Bureau of Marine Patrol that assist in search and rescue along the Maine coast;
- B. The need for expanded search and rescue efforts along the coast between Memorial Day and Labor Day;
- C. The need for additional training for marine patrol officers in search and rescue techniques and prevention activities;
- D. The need for establishing a catalog of identifiable onshore landmarks to serve as points of reference for search and rescue operations;
- E. The need for additional equipment and watercraft within the Bureau of Marine Patrol to assist in search and rescue activities; and
- F. The appropriateness of current levels of fuel tax revenue attributable to watercraft and the apportioning of those revenues between the Boating Facilities Fund and the Department of Marine Resources.

3. **Report.** The commission shall report its findings and recommendations, including recommended legislation, to the 113th Legislature by December 1, 1988.

4. **Expenses.** Legislative members shall be entitled to expenses and per diem compensation for attendance at meetings of the commission. The member representing the United States Life Saving Association shall receive expenses.

5. **Staffing.** The commission may request staffing from the Legislative Council.

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

Personal Services	\$1,320
All Other	4,250
Total	<u>\$5,570</u>

Effective August 4, 1988.

## CHAPTER 815

H.P. 1731 — L.D. 2374

### AN ACT to Extend and Strengthen the State's Mandatory Shoreland Zoning Laws.

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

**Sec. 1.** 38 MRSA §435, as amended by PL 1987, c. 94, §§1 and 2, is repealed and the following enacted in its place:

#### §435. Shoreland areas; legislative purposes

To aid in the fulfillment of the State's role as trustee of its waters and to promote public health, safety and the general welfare, it is declared to be in the public interest that shoreland areas be subject to zoning and land use controls. Shoreland areas include those areas within 250 feet of the normal high-water line of any great pond, river or saltwater body, or within 250 feet of the upland edge of a coastal or freshwater wetland. The purposes of these controls are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

It is further declared that, in accordance with Title 12, section 402, certain river and stream segments, as identified in the Department of Conservation's 1982 Maine Rivers Study and as specifically delineated in section 437, are significant river segments and deserve special shoreland zoning controls designed to protect their natural and recreational features.

Zoning ordinances adopted pursuant to this article need not depend upon the existence of a zoning ordinance for all of the land and water areas within a municipality, notwithstanding Title 30, section 4962, as it is the intention of the Legislature to recognize that it is reasonable for municipalities to treat shoreland areas specially and immediately to zone around water bodies rather than to wait until such time as zoning ordinances may be enacted for all of the land within municipal boundaries.

1988-89

#### LEGISLATURE

Study Commission on Coastal Search and Rescue