

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

7 MRSA §2963 is enacted to read:

§2963. Transportation allowance study

The Legislature finds that historically the commission has allowed a deduction in the price paid to producers for Class II milk sold by Maine dealers to federally regulated plants. This transportation allowance has remained constant while the ability to transport milk and the shipping and sales practices of dealers have changed. In order to further understanding of the transportation allowance the commission shall:

1. **Original intent.** Examine the original intent of the transportation allowance;

2. **Current practice.** Determine whether the transportation allowance is being applied in situations other than those originally intended;

3. **Finding.** Determine whether the transportation allowance should be applied to transfers of milk that are ordinary business practice or are recurring transactions;

4. **Adopt rules.** In accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, adopt any necessary rules which the commission determines, after hearing, are not inconsistent with the original intent, and current use of the transportation allowance; and

5. **Report.** Report its findings, any actions taken by the commission and any recommendations for legislation by March 1, 1990, to the joint standing committee of the Legislature having jurisdiction over agricultural matters. The committee may introduce any legislation necessary to address the findings or actions of the commission.

See title page for effective date.

CHAPTER 439

H.P. 16 - L.D. 8

An Act to Enhance the Management of the Fish and Game Resources of the State of Maine

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

Sec. 1. 3 MRSA §522-A is enacted to read:

§522-A. Inland Fisheries and Wildlife Budget Review

The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife shall review the budget of the Department of Inland Fisheries and Wildlife and submit its recommendations in a written report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than 60 days after reference of the current services budget legislation and any supplemental budget legislation to the

joint standing committee having jurisdiction over appropriations and financial affairs of the Legislature.

Sec. 2. 5 MRSA §1664, 4th ¶, as amended by PL 1987, c. 735, §9, is further amended to read:

Part 3 shall embrace complete drafts or summaries of the budget bills, the legislative measures required to give legal sanction to the financial plan when adopted by the Legislature. These bills shall include General Fund appropriation bills and allocation bills for the following: Highway Fund, ~~Inland Fisheries and Wildlife Fund~~, Federal Revenue Sharing Fund, Coastal Protection Fund, Maine Nuclear Emergency Planning Fund, ~~Maine Endangered and Nongame Wildlife Fund~~, Alcoholism Prevention, Education, Treatment and Research Fund and for the administrative expenses of the Bureau of Alcoholic Beverages and the State Liquor Commission, authorizing expenditures for each fiscal year of the ensuing biennium and such other bills as may be required to provide the income necessary to finance the budget.

Sec. 3. 12 MRSA §7074, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

2. **Deposit.** The commissioner shall deposit these funds and any unencumbered balances as of June 30, 1990 in the State Treasury as undedicated revenue to the General Fund.

Sec. 4. 12 MRSA §7910, sub-§§1 and 4, as enacted by PL 1979, c. 420, §1, are amended to read:

1. **General.** The following moneys shall be paid to the Treasurer of State ~~and credited to, apportioned by and expended by the department for the purpose of conducting the business of the department as provided by the Legislature~~ as undedicated revenue to the General Fund:

A. All fees, fines, penalties, officers' costs and all other moneys received, collected or recovered by the court or the department under any provisions of chapters 701 to 714 and 716 to 721;

B. Any fees, fines and penalties recovered by the court from any prosecution by wardens pursuant to their acting, under section 7053, subsection 3, with the same powers and duties as sheriffs; and

C. Moneys received from sale, lease or rental of department-owned property.

4. **License and permit fees.** License and permit fees shall be collected and expended in accordance with section 7074 ~~and section 7152, subsection 4.~~

Sec. 5. 12 MRSA §7910, sub-§§8 and 9 are enacted to read:

8. **All-terrain vehicles.** Money relating to all-terrain vehicle laws and rules shall be collected and expended in accordance with sections 7854 and 7855.

9. Appropriation. The amount of funds appropriated to the department in each fiscal year shall not be less than the dollar amount collected, received or recovered by the department from license and permit fees, fines, penalties and all other money received by the department, except for money relating to watercraft, snowmobile and all-terrain vehicle laws and rules as provided in subsections 6, 7 and 8, and any funds received from the Federal Government.

Sec. 6. 12 MRSA §7910, sub-§§10 and 11 are enacted to read:

10. Review of budget. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife shall review that part of the current services budget bill and any supplemental budget bills pertaining to the department in accordance with Title 5, section 522-A.

11. Review of license and permit fees, fines and penalties. The joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife shall review license and permit fees, fines, penalties and all other money received by the department and shall submit a written report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on or before March 1st of each year beginning in 1990.

Sec. 7. Transition provision. The Governor shall submit legislation by January 1, 1990, necessary to carry out the intent of this Act with regard to appropriating funds from the General Fund and deallocating funds from the Other Special Revenue account. Encumbered balances as of June 30, 1990, in the Other Special Revenue accounts affected by this Act shall be transferred to appropriate General Fund accounts in fiscal year 1990-91.

Sec. 8. Effective date. Sections 1, 6 and 7 shall take effect January 1, 1990. Sections 2, 3, 4 and 5 shall take effect July 1, 1990.

Effective as indicated.

CHAPTER 440

H.P. 181 - L.D. 246

An Act Concerning Agents Selling Hunting and Fishing Licenses

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

12 MRSA §7072, sub-§3, as amended by PL 1985, c. 304, §3, is further amended to read:

3. Agents for the purpose of selling licenses to nonresidents. Agents, other than clerks of towns, for the purpose of selling licenses to nonresidents shall be appointed as follows:

A. The commissioner ~~shall~~ may designate as an agent for the purpose of selling nonresident licenses any business ~~located in the State~~ which submits a complete application, is credit worthy and has not violated any provision of this Part. ~~A business, the agency of which is revoked, may reapply for an agency for the 2nd year following the last year it held an agency. The commissioner may, subject to this subsection, establish agents outside this State for the purpose of selling nonresident licenses.~~

B. ~~An applicant for an agency shall submit a nonrefundable \$30 application fee with the application and a \$30 fee each year thereafter for renewal.~~

C. ~~The commissioner may waive the \$30 fee for an agency selling 50 licenses or less annually, located in a geographical area where no other agency exists and where the commissioner determines that an agency is necessary to serve the needs of nonresident hunters and fishermen.~~

D. The commissioner shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, governing the establishment of criteria for the selection of agents to issue licenses and permits to nonresidents.

See title page for effective date.

CHAPTER 441

H.P. 1057 - L.D. 1479

An Act to Promote Landowner Relations

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

Whereas, the landowner relations program may be implemented during the fall of 1989 and this will require development of the program as soon as possible; 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 §7035, sub-§13 is enacted to read:

13. Landowner relations. As soon as resources become available, the commissioner shall develop and implement a program of landowner relations. In developing this program, the commissioner shall review what other states have done to develop good relationships between