

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

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

hunters and landowners. This program and any subsequent revisions to the program shall be submitted to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters prior to implementation. The program shall foster public use of private land for hunting and fishing and shall promote high standards of courtesy, respect and responsibility by hunters and anglers for private lands and prevent abuse of private lands by hunters and anglers.

Sec. 2. Report to Legislature. The commissioner shall report to the Legislature, no later than January 15, 1991, on the progress of this program, together with any suggestions for improvement or expansions to the program. This report shall contain a summary of what other states have done to develop good relationships between hunters and landowners and a review of those activities, with recommendations as to whether those activities would be effective in this State.

Sec. 3. Allocation. The following funds are allocated from Dedicated Revenue to the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

1989-90 1990-91

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

**Office of the Commissioner -
Inland Fisheries and Wildlife**

All Other	\$5,000	\$5,000
Provides funds for anticipated operational costs to develop and implement a landowner relations program.		

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

Effective June 22, 1989.

CHAPTER 442

H.P. 855 - L.D. 1187

An Act to Amend the Overboard Discharge Laws

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

Sec. 1. 38 MRS §411-A is enacted to read:

§411-A. State contribution to residential overboard discharge replacement projects

1. General authority. Subject to the availability of funds under section 411, the department shall pay a portion of the expense of a pollution abatement construction project which results in the elimination of an overboard discharge to the waters of the State where that elimination is required

under section 414-A, subsection 1-B. The costs eligible for payment under this program include the costs that the department requires for abandonment of the overboard discharge and the design, engineering and construction costs of the replacement system. Grants made under this section may be made directly to the owners of the overboard discharge and may also be made to sanitary and sewer districts which have agreed to establish operation and maintenance programs for holding tanks within their boundaries.

2. Cost-share. The department shall determine the portion of project expenses which are eligible for grants under this section as follows.

A. The department shall pay 90% of the costs of a project which results in the removal of a year-round residential overboard discharge.

B. The department shall pay 50% of the costs of a project which results in the removal of a commercial overboard discharge.

C. The department shall pay 25% of the costs of a project which results in the removal of a seasonal residential overboard discharge.

For the purposes of this section and section 414-A, seasonal residential overboard discharge means an overboard discharge from a human habitation which is occupied for less than 6 months in any calendar year.

3. Priority. The department shall utilize grants made under this section to eliminate sources of contamination to shellfish harvesting areas and to eliminate public nuisance conditions.

4. Reimbursement. The department shall utilize grants under this section to reimburse individuals for the costs of removing any overboard discharge, subject to the provisions of subsection 2, when:

A. The removal occurred after June 1, 1987, and prior to the effective date of this section;

B. The removal resulted in the elimination of sources of contamination to shellfish areas or public nuisance conditions; and

C. The removal was the direct result of an unsuccessful licensing application under former section 464, subsection 4, paragraph G.

Sec. 2. 38 MRS §414, sub-§3-A is enacted to read:

3-A. Inspection of overboard discharges. The department shall inspect all licensed overboard discharges a minimum of twice each calendar year. The department shall assess all costs of inspection, including personnel costs and necessary laboratory analyses, to the license holder. No assessment under this section may exceed \$100 annually. All revenues received under this subsection shall be credited to the Maine Environmental Protection Fund. The depart-