

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

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

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

Sec. 1. 12 MRSA §6802, as amended by PL 1985, c. 379, §5, is repealed.

Sec. 2. 12 MRSA §6803 is enacted to read:

§6803. Seaweed permit

1. Permit required. It is unlawful for any person to harvest, possess, ship, transport or sell seaweed without a current seaweed permit or supplemental seaweed permit. An employee or immediate relation of a seaweed permit holder may harvest, possess, ship, transport or sell seaweed for commercial purposes with a supplemental seaweed permit.

2. Exceptions. The requirement of a permit shall not apply to:

A. The holder of a current marine worm dealer's license;

B. The holder of a current wholesale seafood license;

C. Any person who harvests, possesses, ships or transports no more than 50 pounds of seaweed a day for noncommercial purposes;

D. Charitable or municipal organizations that harvest, possess, ship or transport seaweed for noncommercial use by that organization; or

E. Anyone harvesting, possessing, shipping, transporting or selling seaweed which has detached naturally and is dead.

3. Fees. The fee schedule for seaweed permits is as follows:

A. Six dollars for a resident seaweed permit;

B. Fifty dollars for a nonresident seaweed permit; and

C. Two dollars for a supplemental seaweed permit.

See title page for effective date.

CHAPTER 524

S.P. 294 - L.D. 767

An Act to Amend the School Finance Act to Include Transportation as a Supportive Service to Special Education for State Agency Clients

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

Sec. 1. 20-A MRSA §15613, sub-§5, ¶¶B and D, as enacted by PL 1985, c. 789, §4, are amended to read:

B. The commissioner shall approve special education costs and supportive services, including transportation, for all state agency clients placed in residential placements by an authorized agent of a state agency.

D. In the fiscal year beginning July 1, 1987, and every fiscal year thereafter, the commissioner shall pay only approved special education costs and supportive services, including transportation, authorized by this subsection for state agency clients and shall not allocate for those special education costs and supportive services, including transportation, incurred by the administrative unit for state agency clients in the base years starting July 1, 1985, and every base year thereafter.

Sec. 2. 20-A MRSA §15613, sub-§5, ¶E is enacted to read:

E. Transportation costs for state agency clients, when provided in accordance with rules established by the commissioner under section 7204, shall be paid by the department in the year of allocation at 100% of actual costs.

Sec. 3. Effective date. This Act shall be effective with respect to expenditures made in the fiscal year beginning July 1, 1989.

See title page for effective date, unless otherwise indicated.

CHAPTER 525

S.P. 487 - L.D. 1329

An Act to Amend the Law Concerning the Collection of Fees for General Educational High School Equivalency Certificates

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

Whereas, the Department of Educational and Cultural Services has an ongoing program to supervise high school equivalency courses and examinations; and

Whereas, the department's revenues from the examination fees do not cover the total cost of the department's responsibilities for the program and will result in a shortfall of between \$22,000 and \$25,000 if changes do not take effect before 90 days after the close of the Legislature; 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. 20-A MRSA §257, sub-§3, as amended by PL 1985, c. 774, §3, is repealed and the following enacted in its place:

3. Fees. No fee may be charged for the issuance of any high school equivalency certificate.

Sec. 2. 20-A MRSA §15002-A, sub-§3, as enacted by PL 1985, c. 774, §7, is repealed.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1989-90	1990-91
EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF		
Adult Education		
Positions	(-2.0)	(-2.0)
Personal Services	(\$24,533)	(\$24,529)
All Other	(967)	(971)
Deallocates dedicated funds, the revenue source for which is discontinued by this Act.		
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES		
TOTAL	(\$25,500)	(\$25,500)

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1989.

Effective July 1, 1989.

CHAPTER 526

S.P. 151 - L.D. 271

An Act to Require Liquor Seller Compliance and Education

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

Sec. 1. 28-A MRSA §2, sub-§25-A is enacted to read:

25-A. Retail employee. "Retail employee" means any person employed by a retailer or by the commission to sell liquor in a licensed establishment or state liquor store. For the purposes of violations of this Title and rules of the commission, a retail employee shall be deemed an agent of the retailer or state liquor store that employs that employee.

Sec. 2. 28-A MRSA §601-A is enacted to read:

§601-A. Examination of new applicants

The Bureau of Liquor Enforcement shall investigate the feasibility of developing an examination to be administered to new applicants for retail liquor licenses that will enable the applicants to demonstrate knowledge of the liquor laws and rules. The bureau shall report its findings to the joint standing committee of the Legislature having jurisdiction over legal affairs no later than January 31, 1990.

Sec. 3. 28-A MRSA §703-A is enacted to read:

§703-A. Prohibition of employment of violators as retail employees

1. Employment prohibited. No retail licensee may employ a person as a retail employee if that person, within 5 years of the date of that person's application for employment, has been convicted of violating section 2078 or section 2081, subsection 1, paragraph A or B.

2. Affidavit required. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 5 years of the date of the affidavit. The affidavit must be executed at the time of application. The Bureau of Liquor Enforcement shall develop the affidavit required by this section and make single copies of that affidavit available to retailers.

Sec. 4. 28-A MRSA §705, sub-§4, as enacted by PL 1987, c. 342, §39, is amended to read:

4. Permitting consumption or possession by a minor on the premises. No licensee, or agent or employee of a licensee, may permit a minor to consume or possess liquor on the premises.

Sec. 5. 28-A MRSA §801, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§801. Jurisdiction of Administrative Court Judge

1. Jurisdiction. The Administrative Court Judge, as designated in Title 5, chapter 375, shall conduct hearings on all matters concerning violations by licensees and their agents or employees of any federal or state law or regulation relating to liquor or violations of any rule issued by the commission. The Notwithstanding Title 5, chapter 375, subchapter VI, the Administrative Court Judge has exclusive jurisdiction over all violations of this Title by licensees and their agents or employees when no criminal penalty is provided.

2. Powers. The Administrative Court Judge may suspend or revoke licenses of licensees and levy fines or civil forfeitures against licensees and their agents or employees.