

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

Provides funds for a Hearings Examiner, a Clerk Typist III, and general operating expenses to handle the anticipated additional hearing workload.

DEPARTMENT OF SECRETARY OF STATE		
TOTAL	\$67,562	\$65,078

Sec. 14. Allocation. The following funds are allocated from the Transportation Safety Fund to carry out the purposes of this Act.

	1989-90	1990-91
PUBLIC SAFETY, DEPARTMENT OF		
Motor Carrier Safety		
Positions	(12)	(12)
Personal Services	\$256,094	\$363,345
All Other	128,039	79,287
Capital Expenditures	217,752	

Provides funds for 12 additional troopers for the Commercial Vehicle Enforcement Division.

DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$601,885	\$442,632

Sec. 15. Transition; no rebates authorized. Notwithstanding any adjustments to or repeal of any fees pursuant to this Act, no fees collected for permits prior to the effective date of this Act may be refunded by the Secretary of State.

Sec. 16. Effective date. Sections 1, 2, 3, 4 and 8 shall take effect January 1, 1990.

See title page for effective date, unless otherwise indicated.

CHAPTER 529

S.P. 106 - L.D. 140

An Act to Promote Marine Research

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

Sec. 1. 5 MRSA §12004-G, sub-§27-A is enacted to read:

<u>27-A. Marine Resources</u>	<u>Marine Research Board</u>	<u>Expenses Only</u>	<u>5 MRSA §13127</u>
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Sec. 2. 5 MRSA §§13127 to 13129 are enacted to read:

§13127. Marine Research Board

The Marine Research Board, as established in chapter 379, referred to in this section and sections 13128 and 13129 as "the board," shall carry out the purposes of this chapter.

1. Purpose. The board shall identify basic and applied marine research needs within the Gulf of Maine of interest to the State and may develop a competitive grants program to address those needs. The board also shall work to foster cooperation between marine research agencies and institutions to efficiently carry out marine research. The board's focus shall be on basic and applied scientific research rather than technological development or technology transfer. The board shall coordinate its activities with the commission.

2. Composition. The board shall be composed of 13 members. The membership shall include one representative of the University of Maine System, one representative of the Association for Research in the Gulf of Maine, one representative of nonprofit environmental organizations, one representative of independent higher education institutions, 2 representatives of the scientific community, and 2 representatives of marine resource industries. The Commissioner of Environmental Protection, the Commissioner of Conservation, the Commissioner of Marine Resources, the Director of the State Planning Office and the director of the sea grant college program shall serve as ex officio members.

3. Appointment. The Governor shall appoint the members of the board subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. The Governor shall appoint the chair annually.

4. Terms. Appointed board members shall serve for 3-year terms. Initial terms of appointment shall be: 2 members for one-year terms; 3 members for 2-year terms; and 3 members for 3-year terms. Board members may serve no more than 2 consecutive terms.

5. Compensation. Board members that are not representing state agencies shall be compensated for their expenses in accordance with chapter 379.

6. Quorum. A quorum consists of 7 members. A quorum shall be necessary for the board to conduct its business at any board meeting.

7. Rules. The commission shall consult with the board in establishing any rules relating to the board and its activities.

8. Staff. With the advice of the board, the executive director of the commission shall employ staff to administer and implement the programs and policies of the Marine Research Board.

§13128. Powers and duties of the Marine Research Board

1. Research priorities statement. The board shall develop a biennial priority statement and action plan of marine research needs in this State. The statement shall be submitted to the Governor and the Legislature no later than January 1st of each even-numbered year, except that the first statement shall be prepared by July 1, 1990. The statement

and plan shall guide funding decisions and activities of the board. The board shall hold public hearings to gain insight into research needs for the State.

1989-90 1990-91

2. Data base. The board shall develop, maintain and periodically publish a bibliography of research relevant to the Gulf of Maine. The board shall encourage integrated management of data relating to state coastal waters and the Gulf of Maine.

3. Facility needs. Subject to the availability of funds, the board may develop a facility needs plan for the support of marine research within the State that shall identify and focus attention on specific facility needs with the objective of fostering cooperation within the marine research community. The plan shall be completed by October 1, 1990 or as soon thereafter as the availability of funding permits and may be developed with the help of contractual services. This plan shall not prohibit agencies from addressing specific safety problems within their facilities.

4. Other activities. The board may sponsor and conduct conferences or publish periodic reports relating to marine research.

5. Cooperation. The board shall strive to coordinate its programs with existing policies and programs in the field of marine research.

§13129. Marine research grants program

The board may develop and administer a competitive, merit-based grant program to address marine research needs for the State as set forth in section 13127, subsection 1. Operation of the program and awards of grants under this program are subject to available funding.

1. Grant criteria. The board shall develop, and the commission shall approve, criteria for awarding grants under this program. Criteria shall include, but not be limited to, the quality of the research proposal and the ability of the organization to carry out the proposed research.

2. Peer review. All proposals for funding shall be subject to peer review by a panel of experts in the field of marine research who are not employed by or affiliated with marine research institutions within the State. The commission, upon recommendation of the board, may contract with another entity to coordinate the peer review process.

3. Grant decisions. The board shall make the final decision for awarding grants under this program. The board shall make competitive evaluations and may award grants that conform to the granting criteria and are consistent with the research priorities statement and action plan developed under section 13128.

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

EXECUTIVE DEPARTMENT

Maine Science and Technology Commission

Positions	(1)	(1)
Personal Services	\$15,449	\$20,599
All Other	6,000	5,500
Capital Expenditures	2,000	

Provides funds to establish the Marine Research Board within the Maine Science and Technology Commission. These funds shall be used for a Clerk Typist II position and general operating expenses to assist the board in carrying out its duties.

EXECUTIVE DEPARTMENT

TOTAL	\$23,449	\$26,099
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See title page for effective date.

CHAPTER 530

H.P. 461 - L.D. 626

An Act to Encourage Industry to Maintain and Modernize Machinery and Equipment

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

Sec. 1. 5 MRSA §1515, sub-§3 is enacted to read:

3. Carry-forward. Any funds appropriated to the Corporate Income Tax Investment Credit Fund program, along with any interest earnings, shall not lapse, but shall be carried forward until June 30, 1991. These funds shall be used to offset the credits established in Title 36, section 5219-C.

Sec. 2. 36 MRSA §5219-C is enacted to read:

§5219-C. Investment tax credit

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Directly" has the same meaning as defined in section 1752, subsection 2-A.

B. "Investment credit base" means the total original basis, without adjustment, for federal income tax purposes, of the taxpayer of all machinery and equipment which was placed in service for the first time in this State by the taxpayer or other person during any of the prior 3 taxable years, excluding the basis of machinery and equipment placed in service in this State prior to January 1, 1989. In the case of a