

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

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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

Effective June 26, 1989.

CHAPTER 60

H.P. 514 - L.D. 694

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991, and Making Supplemental Allocations Necessary to the Proper Operations of State Government

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:

PART A

Appropriations and allocations. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1990, and June 30, 1991, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

	1989-90	1990-91
UNIFIED BUDGET ACT - INLAND FISHERIES & WILDLIFE CURRENT SERVICES DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE Office of the Commissioner - Inland Fisheries and Wildlife		
Other Special Revenue		
Positions - Legislative Count	(19.0)	(19.0)
Personal Services	639,335	652,675

All Other	453,399	418,431
Capital Expenditures	70,700	23,440
Fund Total	1,163,434	1,094,546
Other Participating Funds		
Federal Expenditure Fund		
Personal Services	74,700	74,700
All Other	27,748	29,571
Fund Total	102,448	104,271

SUMMARY - OFFICE OF THE COMMISSIONER - INLAND FISHERIES AND WILDLIFE

Positions - Legislative Count	(19.0)	(19.0)
Personal Services	714,035	727,375
All Other	481,147	448,002
Capital Expenditures	70,700	23,440
Program Total	1,265,882	1,198,817

BUREAU OF ADMINISTRATIVE SERVICES (INLAND FISHERIES AND WILDLIFE) ADMINISTRATIVE SERVICES - INLAND FISHERIES AND WILDLIFE

Other Special Revenue		
Positions - Legislative Count	(21.0)	(21.0)
Personal Services	616,067	627,128
All Other	624,378	545,933
Capital Expenditures	12,544	36,537
Fund Total	1,252,989	1,209,598

Other Participating Funds

Federal Expenditure Fund		
Personal Services	8,000	8,000
All Other	28	28
Fund Total	8,028	8,028

SUMMARY - ADMINISTRATIVE SERVICES - INLAND FISHERIES AND WILDLIFE

Positions - Legislative Count	(21.0)	(21.0)
Personal Services	624,067	635,128
All Other	624,406	545,961
Capital Expenditures	12,544	36,537
Program Total	1,261,017	1,217,626

Licensing Services - Inland Fisheries and Wildlife

Other Special Revenue		
Positions - Legislative Count	(20.0)	(20.0)
Positions - Other Count	(3.0)	(3.0)
Personal Services	460,077	471,902
All Other	665,390	693,931
Capital Expenditures	5,463	5,657
Fund Total	1,130,930	1,171,490

Other Participating Funds

Federal Expenditure Fund		
Personal Services	29,264	29,264
All Other	20,175	20,175
Fund Total	49,439	49,439

SUMMARY - LICENSING SERVICES - INLAND FISHERIES AND WILDLIFE

Positions - Legislative Count	(20.0)	(20.0)
Positions - Other Count	(3.0)	(3.0)
Personal Services	489,341	501,166
All Other	685,565	714,106

Capital Expenditures	5,463	5,657
Program Total	1,180,369	1,220,929
Whitewater Rafting Fund		
Other Special Revenue		
All Other	7,750	7,750
Fund Total	7,750	7,750

ATLANTIC SEA RUN SALMON COMMISSION
Atlantic Sea Run Salmon Commission

Other Special Revenue		
Positions - Legislative Count	(2.0)	(2.0)
Personal Services	55,150	57,615
All Other	23,942	25,324
Fund Total	79,092	82,939

Other Participating Funds		
** General Fund		
Positions - Legislative Count	(6.0)	(6.0)
Personal Services	231,382	233,961
All Other	57,454	24,022
Capital Expenditures	18,795	23,836
Fund Total	307,631	281,819

Federal Expenditure Fund		
Personal Services	80,000	80,000
All Other	35,046	36,912
Fund Total	115,046	116,912

SUMMARY - ATLANTIC SEA RUN SALMON COMMISSION		
Positions - Legislative Count	(8.0)	(8.0)
Personal Services	366,532	371,576
All Other	116,442	86,258
Capital Expenditures	18,795	23,836
Program Total	501,769	481,670

BUREAU OF RESOURCE MANAGEMENT (INLAND FISHERIES AND WILDLIFE)
Endangered Nongame Operations

Other Special Revenue		
Positions - Legislative Count	(2.0)	(2.0)
Personal Services	71,483	73,073
All Other	59,939	59,950
Fund Total	131,422	133,023

Other Participating Funds		
** General Fund		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	31,327	33,017
All Other	4,268	4,324
Fund Total	35,595	37,341

Federal Expenditure Fund		
Personal Services	30,000	30,000
All Other	66,153	66,153
Capital Expenditures	1,100	1,100
Fund Total	96,153	97,253

SUMMARY - ENDANGERED NONGAME OPERATIONS		
Positions - Legislative Count	(3.0)	(3.0)
Personal Services	132,810	136,090
All Other	130,360	130,427
Capital Expenditures		1,100
Program Total	263,170	267,617

Fisheries and Hatcheries Operations		
Other Special Revenue		
Positions - Legislative Count	(55.0)	(55.0)
Positions - Other Count	(5.0)	(5.0)
Personal Services	1,291,984	1,318,991
All Other	553,265	553,463
Capital Expenditures	200,044	224,363
Fund Total	2,045,293	2,096,817

Other Participating Funds		
Federal Expenditure Fund		
Personal Services	600,000	600,000
All Other	270,369	270,369
Capital Expenditures	275,181	261,981
Fund Total	1,145,550	1,132,350

SUMMARY - FISHERIES AND HATCHERIES OPERATIONS		
Positions - Legislative Count	(55.0)	(55.0)
Positions - Other Count	(5.0)	(5.0)
Personal Services	1,891,984	1,918,991
All Other	823,634	823,832
Capital Expenditures	475,225	486,344
Program Total	3,190,843	3,229,167

Resource Management Services - Inland Fisheries and Wildlife		
Other Special Revenue		
Positions - Legislative Count	(50.0)	(50.0)
Positions - Other Count	(2.5)	(2.5)
Personal Services	1,025,096	1,053,878
All Other	501,738	503,229
Capital Expenditures	155,610	130,487
Fund Total	1,682,444	1,687,594

Other Participating Funds		
Federal Expenditure Fund		
Personal Services	730,200	730,200
All Other	305,904	305,904
Fund Total	1,036,104	1,036,104

SUMMARY - RESOURCE MANAGEMENT SERVICES - INLAND FISHERIES AND WILDLIFE		
Positions - Legislative Count	(50.0)	(50.0)
Positions - Other Count	(2.5)	(2.5)
Personal Services	1,755,296	1,784,078
All Other	807,642	809,133
Capital Expenditures	155,610	130,487
Program Total	2,718,548	2,723,698

Waterfowl Habitat Acquisition & Management		
Other Special Revenue		
All Other	25,000	25,000
Capital Expenditures	142,500	142,500
Fund Total	167,500	167,500

BUREAU OF WARDEN SERVICE (INLAND FISHERIES AND WILDLIFE) ATV Safety and Educational Program		
Other Special Revenue		
Positions - Legislative Count	(1.0)	(1.0)
Personal Services	25,150	26,215

All Other	27,432	27,441
Capital Expenditures	800	
Fund Total	53,382	53,656
Enforcement Operations - Inland Fisheries and Wildlife		
Other Special Revenue		
Positions - Legislative Count	(112.0)	(112.0)
Positions - Other Count	(0.5)	(0.5)
Personal Services	5,220,484	5,268,641
All Other	1,009,234	1,012,699
Capital Expenditures	544,379	297,734
Fund Total	6,774,097	6,579,074
Other Participating Funds		
Federal Expenditure Fund		
Personal Services	102,600	102,600
All Other	85,000	85,000
Fund Total	187,600	187,600

SUMMARY - ENFORCEMENT OPERATIONS - INLAND FISHERIES AND WILDLIFE

Positions - Legislative Count	(112.0)	(112.0)
Positions - Other Count	(0.5)	(0.5)
Personal Services	5,323,084	5,371,241
All Other	1,094,234	1,097,699
Capital Expenditures	544,379	297,734
Program Total	6,961,697	6,766,674

Whitewater Rafting - Inland Fisheries and Wildlife

Other Special Revenue		
All Other	50,375	50,375
Fund Total	50,375	50,375

Department of Inland Fisheries and Wildlife

Other Special Revenue		
Positions - Legislative Count	(282.0)	(282.0)
Positions - Other Count	(11.0)	(11.0)
Personal Services	9,404,826	9,550,118
All Other	4,001,842	3,923,526
Capital Expenditures	1,132,040	860,718
Fund Total	14,538,708	14,334,362

Other Participating Funds

** General Fund		
Positions - Legislative Count	(7.0)	(7.0)
Personal Services	262,709	266,978
All Other	61,722	28,346
Capital Expenditures	18,795	23,836
Fund Total	343,226	319,160

Federal Expenditure Fund

Personal Services	1,654,764	1,654,764
All Other	810,423	814,112
Capital Expenditures	275,181	263,081
Fund Total	2,740,368	2,731,957

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE

Positions - Legislative Count	(289.0)	(289.0)
Positions - Other Count	(11.0)	(11.0)
Personal Services	11,322,299	11,471,860
All Other	4,873,987	4,765,984
Capital Expenditures	1,426,016	1,147,635
Umbrella Total	17,622,302	17,385,479

Other Special Revenue		
Positions - Legislative Count	(282.0)	(282.0)
Positions - Other Count	(11.0)	(11.0)
Personal Services	9,404,826	9,550,118
All Other	4,001,842	3,923,526
Capital Expenditures	1,132,040	860,718

Part Total 14,538,708 14,334,362

Other Participating Funds

** General Fund		
Positions - Legislative Count	(7.0)	(7.0)
Personal Services	262,709	266,978
All Other	61,722	28,346
Capital Expenditures	18,795	23,836
Fund Total	343,226	319,160

Federal Expenditure Fund

Personal Services	1,654,764	1,654,764
All Other	810,423	814,112
Capital Expenditures	275,181	263,081

Fund Total 2,740,368 2,731,957

CURRENT SERVICES

Positions - Legislative Count	(289.0)	(289.0)
Positions - Other Count	(11.0)	(11.0)
Personal Services	11,322,299	11,471,860
All Other	4,873,987	4,765,984
Capital Expenditures	1,426,016	1,147,635

Part Total 17,622,302 17,385,479

PART B

Supplemental allocations. Income from dedicated revenue of the Department of Inland Fisheries and Wildlife for the fiscal years ending June 30, 1990, and June 30, 1991, shall be segregated, apportioned and disbursed as designated in the following schedule.

	1989-90	1990-91
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Enforcement Operations - Inland Fisheries and Wildlife		
Capital Expenditures	\$23,100	\$266,747
Provides funds for the replacement of vehicles for the warden service.		
Fisheries and Hatcheries		
Personal Services	\$32,826	\$34,338
Provides funds for 6 limited period fish and wildlife technicians for the department's fishery management regions to utilize expanded federal sport fish restoration money. Represents 25% dedicated revenue share of the total costs.		
DEPARTMENT OF INLAND FISHERIES AND WILDLIFE		
TOTAL	<u>\$55,926</u>	<u>\$301,085</u>

PART C

Allocation. The following funds are allocated from Federal Expenditure funds to carry out the purposes of this Act.

	1989-90	1990-91
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Fisheries and Hatcheries - Federal Aid		
Personal Services	\$98,478	\$103,014
Provides funds for 6 limited period fish and wildlife technicians for the department's fishery management regions to utilize expanded federal sport fish restoration money. Represents 75% Federal Expenditure share of the total costs.		

PART D

Allocation. The following funds are allocated from dedicated revenues of the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

	1989-90
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF	
Enforcement Operations - Inland Fisheries and Wildlife	
Positions	(20)
Personal Services	\$928,858
All Other	71,142
Provides funds for 20 Game Warden positions which have historically been funded in this account. This allocates balance forward for these positions because of the adjustment made to the General Fund Part II.	

DEPARTMENT OF INLAND FISHERIES AND WILDLIFE	
TOTAL	<u>\$1,000,000</u>

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

Effective July 1, 1989.

CHAPTER 61

S.P. 404 - L.D. 1048

An Act to Allow the Board of Harbor Commissioners for Portland Harbor to Charge Service Fees

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

Sec. 1. P&SL 1981, c. 98, §2, first ¶ is amended to read:

Sec. 2. Commission established. There is established a Board of Harbor Commissioners for Portland Harbor, which shall be public body corporate and politic and is charged with responsibility for the regulation of navigation and commerce within Portland Harbor in accordance with the provisions of this Act. The commission shall consist of ~~5~~ 7 members and shall have a quorum of ~~3~~ 4 members. Two members of the commission shall be appointed by the City of Portland, and these members shall be and continue to be residents of the City of Portland during tenure. Two members of the commission shall be appointed by the City of South Portland, and these members shall be and continue to be residents of the City of South Portland. ~~One member~~ Three members of the commission, ~~who~~ shall be appointed by the Governor, with the concurrence of both the City Councils of Portland and South Portland. ~~The initial term for the member appointed by the Governor shall be for 1 year. The City Councils of Portland and of South Portland shall, immediately after this Act takes effect, or as soon thereafter as deemed advisable, meet separately and appoint the 2 members from each city who shall constitute the members of the commission. Each council shall designate one member to serve for a 3-year term and one member to serve a 2-year term. One of the gubernatorial appointees shall be a holder of a commercial fishing license and one of the gubernatorial appointees shall be a person representing commercial, marine or shipping interests. All appointments thereafter shall be for terms of 3 years, except in the case of a vacancy, which shall be for the remainder of the unexpired term and shall be staggered. Members appointed to fill a vacancy shall serve for the remainder of the unexpired term. Each member shall continue to serve after expiration of his that member's term until his a successor is appointed and qualified provided such that service shall not continue in excess of 60 days after expiration of his the term. The 5 7 members appointed shall annually elect from their own membership a chairman chair and a clerk, and may from time to time adopt such procedural rules as are necessary for the proper conduct of the business of the commission. A member may be removed for cause; or upon a determination that such member is not a resident of that city, in the case of those members appointed by the city councils, upon a determination that the member is not a resident. Removal shall be by the appointing council or, in the case of the 5th member gubernatorially appointed members, by the Governor with concurrence of both of the 2 councils.~~

Sec. 2. P&SL 1981, c. 98, Sec. 5-A is enacted to read:

Sec. 5-A. Service fees

1. Service fees authorized. The commission may, by the adoption of rules, require annual service fees for the services provided by the harbor master or the harbor master's deputies. These fees shall be set at a reasonable rate, not to exceed \$50 per unit of wharf space. For purposes of