

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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nation may be substituted for the written examination. Persons who are licensed on or before January 1, 1991, shall be required to complete an examination as a condition for continuing licensure. All applicants must have met all other qualifications for licensure prior to taking an examination.

**Sec. 4. 32 MRSA §5013**, as amended by PL 1987, c. 395, Pt. A, §185, is further amended to read:

**§5013. Applications; fees**

Applications for licensure shall be made on forms prescribed and furnished by the board, and shall contain statements made under oath as to residence, the applicant's education, a detailed summary of his technical experience, and shall contain the names of not less than 5 references, 3 or more of whom shall be foresters having personal or professional knowledge of his forestry experience. Notwithstanding any other provision of law, any communications solicited or received by the board as references may be kept confidential by the board and any discussion of these references may be conducted in executive session. An application fee may be established by the board in an amount which is reasonable and necessary for its purpose. The fee for a license as a licensed professional forester shall be fixed by the board, but shall not exceed \$25 for 2 years be less than \$40 nor more than \$55 annually and shall be paid before the issuance of the license. Should the applicant fail to remit the licensure fee within 30 days after being notified by certified mail that his application has been accepted, he shall forfeit the right to have a license so issued and the applicant may be required to again submit an original application.

**Sec. 5. 32 MRSA §5015, 2nd ¶**, as amended by PL 1987, c. 395, Pt. A, §187, is further amended to read:

Licenses shall expire on December 31st or as designated by the Commissioner of Professional and Financial Regulation, following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Division of Licensing and Enforcement to notify, at his last known address, every person licensed under this chapter of the date of the expiration of his license and the amount of the fee that shall be required for its renewal for 2 years, that notice to be mailed at least one month in advance of the date of the expiration of that license. The board shall fix the renewal fee for licenses, which fee shall not exceed the sum of \$25 for 2 years be less than \$40 nor more than \$55 annually. Renewal of licenses for the following 2 years may be effected at any time during the month of December renewal of the year in which the license is due for renewal by payment of the renewal fee fixed by the board. A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90

days after the license renewal date shall be subject to all requirements governing new applicants under this chapter. The board shall make an exception to the foregoing renewal provision in the case of a person who is in the Armed Services of the United States.

**Sec. 6. Transition; board members.** Any member serving on the State Board of Licensure for Professional Foresters on the effective date of this Act shall serve until the term for which that member was appointed expires.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
<b>PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF</b>		
<b>State Board of Licensure for Professional Foresters</b>		
All Other	\$4,000	\$2,500
Provides funds for rulemaking and to publish and distribute a newsletter.		

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

Effective June 14, 1991.

**CHAPTER 284**

**S.P. 456 - L.D. 1232**

**An Act Regarding the Exclusivity of an Authorized Aquaculture Lease Site**

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

**12 MRSA §6073, sub-§3**, is enacted to read:

**3. Penalty.** Any person who knowingly and willfully violates this section is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A and 1301, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court.

See title page for effective date.

**CHAPTER 285**

**S.P. 450 - L.D. 1226**

**An Act to Foster Marine Research**

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

**Sec. 1. 12 MRSA §6052, sub-§4, ¶B**, as amended by PL 1987, c. 599, §2, is further amended to read:

B. Solving particular problems that relate to the State's commercial, marine recreational and anadromous fishing industry; ~~and~~

**Sec. 2. 12 MRSA §6052, sub-§4, ¶C**, as amended by PL 1987, c. 599, §2, is further amended to read:

C. Providing technical and scientific information and support for all department activities; and

**Sec. 3. 12 MRSA §6052, sub-§4, ¶D** is enacted to read:

D. Establishing a marine research revolving fund for soliciting and receiving funds for conducting marine research. A marine research fund established under this paragraph may be used only for research purposes set forth under paragraphs A and B and may not be used for research specific to any one company.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
MARINE RESOURCES, DEPARTMENT OF		
Marine Research Revolving Fund		
All Other	\$10,000	\$10,000
Provides funds to conduct marine research.		

See title page for effective date.

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## CHAPTER 286

S.P. 444 - L.D. 1188

### An Act Concerning Public Representation on Professional and Occupational Boards or Commissions

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

**5 MRSA §12004-A, 2nd ¶**, as enacted by PL 1987, c. 786, §5, is amended to read:

For purposes of any occupational or professional licensing boards which have a public member or members, "public member" means a person who has no fi-

nancial interest in the profession regulated by the board to which that member has been appointed and who has never been licensed, certified or given a permit in this or any other state for the occupation or profession ~~for which~~ that member is appointed to regulate.

See title page for effective date.

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## CHAPTER 287

S.P. 407 - L.D. 1083

### An Act to Ensure Voter Participation in the Siting of Both Storage and Disposal of Radioactive Waste

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

**38 MRSA §1527, sub-§3**, as enacted by PL 1987, c. 530, §4, is amended to read:

**3. Local participation in siting decision.** Within 60 days of the final selection by the authority of the low-level waste disposal facility site, the governing body of the municipality where the facility is to be located, or the Secretary of State in the case of an unorganized township, shall hold an election for the purpose of approving the site. Unless 60% of the voters casting ballots in the election approve of the authority's site location decision, the authority ~~shall~~ may not locate the facility within the municipality or territory. After January 1, 2001, the authority may not site a low-level radioactive waste storage facility, or continue to operate any previously sited low-level radioactive waste storage facility, without the approval of at least 60% of the voters casting ballots in the election of the host municipality or township.

See title page for effective date.

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## CHAPTER 288

S.P. 399 - L.D. 1075

### An Act to Allow the Suspension of Fines in Certain Cases

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

**17-A MRSA §1152, sub-§2, ¶C**, as amended by PL 1989, c. 502, Pt. D, §10, is further amended to read:

C. A fine, suspended in whole or in part, with, at the court's discretion, probation as authorized by chapter 49;

See title page for effective date.