

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.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 7. 17 MRSA §324, sub-§3, as amended by PL 1987, c. 679, §2, is further amended to read:

3. Lucky seven. Lucky seven or similar sealed tickets may be sold when that game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed. Notwithstanding this section and section 312, Lucky seven games may be conducted during the period of beginning 2 hours before and ending 2 hours after any "Beano" game ~~and also may be conducted during the intermission of any "Beano" game.~~

A. Notwithstanding any other rule, Lucky seven or other similar sealed tickets may be sold that have a sale value of \$1 or less.

Sec. 8. PL 1987, c. 197, §7 is repealed.

Sec. 9. PL 1987, c. 547, §3, as enacted by PL 1989, c. 502, Pt. B, §63, is repealed.

Sec. 10. PL 1987, c. 679, §3, as enacted by PL 1989, c. 502, Pt. B, §68, is repealed.

Sec. 11. Report. On or before September 30, 1992 any organization licensed under the Maine Revised Statutes, Title 17, section 314-A and the Bureau of State Police shall each submit a written report to the Joint Standing Committee on Legal Affairs concerning the operation of that law.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
PUBLIC SAFETY, DEPARTMENT OF		
Licensing and Enforcement - Beano Games		
Positions	(-1.0)	(-1.0)
Personal Services	(\$25,850)	(\$35,760)
All Other	(2,888)	(3,880)
Deallocates funds no longer needed due to the elimination of a Field Examiner II position.		
DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>(\$28,738)</u>	<u>(\$39,640)</u>

See title page for effective date.

CHAPTER 427

H.P. 441 - L.D. 624

An Act to Establish a Harbor Management Fund and Deal with Abandoned Watercraft

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

Sec. 1. 12 MRSA §557, sub-§1, as enacted by PL 1975, c. 339, §6, is amended to read:

1. Public Lands Management Fund. To accomplish the purposes of this chapter, there is established a Public Lands Management Fund. All income received by the Bureau of Public Lands pursuant to section 553, subsection 3, paragraph E, excepting income from the public reserved lots and from submerged lands, shall ~~must~~ be recorded on the books of the State in a separate account and ~~shall be~~ deposited with the Treasurer of State, to be credited to the Public Lands Management Fund.

Sec. 2. 12 MRSA §557-A is enacted to read:

§557-A. Submerged Lands Fund

1. Submerged Lands Fund. The Submerged Lands Fund, in this section called the "fund," is established as a nonlapsing fund to support the efforts of the Bureau of Public Lands in managing submerged lands. The fund is administered by the Director of the Bureau of Public Lands.

2. Purpose. All money credited to the fund must be used to manage submerged lands except as provided in section 558-B.

Sec. 3. 12 MRSA §558-A, sub-§10 is enacted to read:

10. Revenues. All revenues from the bureau's activities under this section accrue to the Submerged Lands Fund established in section 557-A.

Sec. 4. 12 MRSA §558-B is enacted to read:

§558-B. Shore and Harbor Management Fund

1. Creation of fund. The Shore and Harbor Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support shore and harbor management improvement activities. The fund is administered by the Director of the Bureau of Public Lands.

2. Purpose. The purpose of the fund is to support shore and harbor management improvement activities by providing grants to municipalities. These activities include

but are not limited to the development of harbor management plans and public access facilities.

3. Revenues. Annual revenues in excess of the operating expenses of the submerged lands leasing program described in section 558-A and the expenses of the abandoned watercraft program described in chapter 202-C must be deposited in the fund.

4. Administration. The director shall develop criteria for awarding grants under this section. Money in the fund not immediately required pursuant to this section must be invested by the Treasurer of State as authorized by Title 5, section 138. Interest on these investments must be credited to the fund.

Sec. 5. 12 MRSA c. 202-C is enacted to read:

CHAPTER 202-C

ABANDONED WATERCRAFT

§591. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Abandoned watercraft. "Abandoned watercraft" means any watercraft that is inoperative and neglected, submerged or partially submerged or that has been left by the owner in coastal waters without intention of removal. This includes motors, electronic and mechanical equipment and other machinery customarily used in the operation of watercraft.

2. Coastal waters. "Coastal waters" means those waters within the jurisdiction of the State under Title 1, section 2, including intertidal land as defined in section 572.

3. Director. "Director" means the Director of the Bureau of Public Lands.

4. Owner. "Owner" means the person who claims lawful possession of a watercraft by legal title or equitable interest in the watercraft.

5. Watercraft. "Watercraft" means any type of vessel, boat, barge, float or craft 20 or more feet in length that is used or capable of use as a means of transportation on water. "Watercraft" includes seaplanes.

§592. Eligibility

An abandoned watercraft is subject to removal under this chapter only under the following conditions.

1. Illegal abandonment. A permit under Title 38, section 9 has not been granted by the municipal board or commission entrusted with harbor management for the area.

2. Landowner permission. A landowner has not granted permission to a watercraft owner to abandon a watercraft on that landowner's property.

3. Prompt notice. Notice has been given the director within 120 days of abandonment of watercraft abandoned after July 1, 1993.

4. Watercraft abandoned less than 25 years. Notice has been given the director before January 1, 1994 of watercraft abandoned for less than 25 years before the effective date of this section.

5. Watercraft abandoned more than 25 years. Watercraft that has been abandoned for more than 25 years before the effective date of this section is not subject to removal under this chapter.

The municipal board or commission entrusted with harbor management is responsible for the notice requirements under this section.

§593. Ownership

The municipal board or commission entrusted with harbor management shall attempt to determine the owner of a watercraft considered by that body to be abandoned.

§594. Responsibility of the director

1. Owner notification. After notification under section 592, the director shall investigate any report of an abandoned watercraft and give notice to the owner if an owner can be identified. The notice must require the owner to respond within 15 days and to remove the watercraft from the coastal waters within 60 days of notification by the director or, if the watercraft is icebound, within 60 days of ice-out in the body of water where the watercraft is located. If the owner of a watercraft to whom the director has given notice does not respond to the notice and remove the watercraft within the time period specified, or the owner can not be identified or contacted, the watercraft is considered abandoned.

2. Removal by State. Beginning July 1, 1993 the director shall establish and implement, subject to available funding, a program to remove from coastal waters those abandoned watercraft that have been reported under section 593. The program must provide that if another agency of government is responsible for removal of an abandoned watercraft, the director shall notify that agency of the existence of that abandoned watercraft. Funding for removal by the director comes from funds available from the Submerged Lands Fund.

3. Removal by 3rd party. The director may authorize a 3rd party to remove abandoned watercraft if the director is satisfied that the work will be completed. Ninety-five percent of the proceeds from the sale of the salvaged watercraft accrue to the 3rd party and 5% accrue to the Submerged Lands Fund.

4. Hazardous conditions. Notwithstanding the time periods for owner removal specified in subsection 1, if the director determines at any time that a watercraft is a health or safety hazard, the director may immediately remove the watercraft from the coastal waters.

5. Disposal of watercraft. If the director removes a watercraft from coastal waters under this section, the director may sell the watercraft. Any proceeds from the sale must first be applied to the costs to the State directly related to the expense of removal of the watercraft. The money may then be applied to any liens against the watercraft. Any money that remains must accrue to the Submerged Lands Fund established under section 557-A.

6. Intertidal land. Abandoned watercraft located on intertidal land may not be removed by the director without the permission of the landowner.

7. Rules. The director may adopt, in accordance with Title 5, chapter 375, rules necessary to carry out the purposes of this chapter.

§595. Method of removal

The method of removal of abandoned watercraft, whether by the owner, by a 3rd party or by the State, must comply with all state and federal environmental laws.

§596. Civil action

If the State is not compensated for removal costs under the provisions of section 594, the State may bring a civil action against the owner of the abandoned watercraft to cover any cost of state removal of the abandoned watercraft from coastal waters. The court in its discretion may award an additional 50% of the cost of removal. The penalty is payable to the submerged lands leasing program.

Sec. 6. Allocation. The following funds are allocated from the Public Lands Management Fund to carry out the purposes of this Act.

	1991-92	1992-93
CONSERVATION, DEPARTMENT OF		
Public Lands Management Fund		
Positions	(2.0)	(2.0)
Personal Services	(\$50,267)	(\$70,685)

All Other	(22,073)	(29,550)
Capital Expenditures	(4,080)	(2,000)

Provides for the deallocation of funds to transfer submerged land activities to the Submerged Lands Fund.

DEPARTMENT OF CONSERVATION		
TOTAL	(\$76,420)	(\$102,235)

Sec. 7. Allocation. The following funds are allocated from the Submerged Lands Fund to carry out the purposes of this Act.

	1991-92	1992-93
CONSERVATION, DEPARTMENT OF		
Submerged Lands Fund		
Positions	2.0	2.5
Personal Services	\$50,267	\$76,935
All Other	22,073	30,550
Capital Expenditures	4,080	3,000

Provides funds for a part-time Planning and Research Associate I position, a part-time Resource Administrator position, a Planning and Research Associate II position and general operating expenses to implement submerged land activities. This allocation also provides funds for a part-time Planning and Research Associate position for fiscal year 1992-93 to manage abandoned watercraft activities.

DEPARTMENT OF CONSERVATION		
TOTAL	\$76,420	\$110,485

See title page for effective date.

CHAPTER 428

H.P. 1098 - L.D. 1597

An Act Regarding the Forest Management Plan Requirements

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

Sec. 1. 32 MRSA §5014, as amended by PL 1987, c. 395, Pt. A, §186, is further amended to read:

§5014. Issuance of license; endorsement of documents

The board shall issue a license upon payment of the licensure fee as provided in this section to any applicant who, in the opinion of the board, has satisfactorily