

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

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

met all the requirements of this chapter. Licenses ~~shall~~ must show the full name of the licensee. The issuance of a license by the board ~~shall be~~ is evidence that the person named ~~therein~~ is entitled to all the rights and privileges of a licensed professional forester while the license remains unrevoked or unexpired. Plans, maps and reports issued by the licensee ~~shall~~ must be endorsed with ~~his~~ the licensee's name and license number during the life of the licensee's license, but it ~~shall be~~ is a Class E crime for anyone to endorse any document with that name and license number after the license of the licensee named ~~thereon~~ has expired or has been revoked or suspended, unless the license has been renewed or reissued. ~~It is a Class E crime for any licensed professional forester to endorse any plan, map or report unless he shall have actually prepared such plan, map or report, or shall have been in the actual charge of the preparation thereof. A licensed professional forester commits a Class E crime if that forester endorses any plan, map or report, other than a forest management and harvest plan as defined by Title 36, section 573, subsection 3-A, unless that forester actually prepared or was actually in charge of the preparation of the map, plan or report.~~

Sec. 2. 36 MRSA §573, sub-§3-A, as enacted by PL 1989, c. 555, §14, is amended to read:

3-A. Forest management and harvest plan. "Forest management and harvest plan" means a written document, ~~prepared by a licensed professional forester, outlining that outlines~~ activities to regenerate, improve and harvest a standing crop of timber. The plan ~~shall~~ must include the location of water bodies and wildlife habitat identified by the Department of Inland Fisheries and Wildlife. A plan may include, but is not ~~be~~ limited to, schedules and recommendations for timber stand improvement, harvesting plans and recommendations for regeneration activities. The plan must be prepared by a licensed professional forester or be reviewed and certified by a licensed professional forester as consistent with this subsection and with sound silvicultural practices.

See title page for effective date.

CHAPTER 429

H.P. 908 - L.D. 1305

An Act Concerning State Education Mandate Waivers

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

Whereas, reductions in the state level of school funding increase the property tax burden on local taxpayers; and

Whereas, state mandates can not be implemented without adequate funding; and

Whereas, a hardship is created for local taxpayers when the State imposes mandates for which the State does not provide funding; 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 §2, sub-§3, as amended by PL 1991, c. 9, Pt. II, §1, is further amended to read:

3. Mandated programs. Any legislation containing a state mandate enacted by the Legislature after January 1, 1989, which requires additional funding, must contain provisions for full funding by the State. The funding requirements to implement the mandate must be identified. Any such legislation for which full state funding is not provided may not be enacted.

State mandates are defined as any state-initiated or statutory action that requires a local school administrative unit to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court or any legislation necessary to comply with a federal mandate.

~~Any legislation or rule containing a state mandate enacted after January 1, 1984 may be deferred by action of a local school board until such time as the State restores state aid to education to the levels required by the laws in effect on January 1, 1990. These mandates include, but are not limited to, minimum pupil-teacher ratios, guidance programs, gifted and talented programs, music programs and art programs.~~

This subsection is repealed on June 30, 1994, unless reviewed and extended by specific Act of the Legislature.

Sec. 2. 20-A MRSA §2-A is enacted to read:

§2-A. Waiver of state mandates

A school administrative unit may seek a waiver allowing the unit to delay compliance with a state mandate, as defined in section 2, subsection 3, as follows.

1. Waiver request. A school administrative unit may request in writing authorization from the commissioner to delay compliance with a mandate. That request must include: