

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
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1991

quired plan summaries, are subject to enforcement action and penalty fees. Toxics releasers are subject to the general penalties in chapter 2.

3. Hazardous waste generators. Generators that fail to meet any requirements set forth in this chapter including, but not limited to, achievement of hazardous waste reduction goals and the preparation of plans and submission of required plans plan summaries, may be subject to enforcement action, ~~civil or criminal penalties and penalties.~~ Hazardous waste generators are subject to the general penalties in chapter 2 and fees assessed in section 1319-I, subsection 2-A.

Sec. 26. Allocation. The following funds are allocated from the Maine Hazardous Waste Fund to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Hazardous Waste Fund		
All Other	\$40,962	\$40,962
Provides funds for data base development, expenses of the Toxics Reduction Advisory Committee and other general operating expenses.		

See title page for effective date.

CHAPTER 521

H.P. 896 - L.D. 1293

An Act to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance

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

15 MRSA §1025, as amended by PL 1989, c. 704, §3, is further amended to read:

§1025. Law enforcement officers

A law enforcement officer may, without fee, take the personal recognizance of any defendant for appearance on a charge of a Class D or Class E crime. If authorized, a law enforcement officer may, without fee, take the personal recognizance with deposit in accordance with Title 12, section 7053, subsection 2, paragraph C and Title 12, section 9707. The law enforcement officer's authority under this

section continues as long as the arrestee remains in the officer's custody.

See title page for effective date.

CHAPTER 522

H.P. 1026 - L.D. 1499

An Act to Improve Motorcycle Driver Education

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

Sec. 1. 29 MRSA §583-A, first ¶, as amended by PL 1987, c. 415, §21, is further amended to read:

Effective March 1, 1987, notwithstanding any other provisions of law, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle may be issued to any person under 21 years of age, unless that person presents a certificate of successful completion of a prescribed motorcycle driver education program and examination approved by the Secretary of State and given by a certified instructor; the person ~~shall~~ must demonstrate his ability to safely operate a motorcycle in the examination. ~~All licenses expire on December 31st of the year of issue.~~

Sec. 2. Study. The Secretary of State shall conduct a study of potential improvements to the Motorcycle Driver Education Program.

1. To assist in conducting the study, the Secretary of State shall form a committee consisting of the following: four Legislators, one Senator appointed by the President of the Senate and 3 members of the House of Representatives appointed by the Speaker of the House of Representatives; 2 representatives from the Department of the Secretary of State appointed by the Secretary of State; 2 representatives of the Department of Public Safety, appointed by the Commissioner of Public Safety; 2 representatives of United Bikers of Maine who are licensed motorcycle operators appointed by the Secretary of State; one representative of the Maine Motorcycle Dealers Association appointed by the Secretary of State; and one certified motorcycle safety instructor appointed by the Secretary of State.

2. The study must evaluate the following:

A. The feasibility of adding 7 hours of actual riding instruction to the program's classroom instruction requirements and the feasibility of extending this requirement to drivers of all ages;

B. The availability of facilities for the expansion of the Motorcycle Driver Education Program;

C. The fee structure for the current program and projected costs for implementing the expanded riding portion of the program;

D. The feasibility of requiring all first-time recipients of a motorcycle operator's license or learner's permit to have successfully completed a motorcycle driver education program; and

E. Any other issues the Secretary of State determines appropriate.

3. The Secretary of State shall prepare and submit a report to the Second Regular Session of the 115th Legislature no later than March 1, 1992, containing specific findings, conclusions and recommendations for legislation. The Secretary of State shall provide copies of the report to the Executive Director of the Legislative Council.

4. Legislative members shall receive per diem reimbursement. Other members will be compensated for expenses.

See title page for effective date.

CHAPTER 523

H.P. 818 - L.D. 1172

An Act to Establish a Fund to Promote Lobster Marketing

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

Sec. 1. 5 MRSA §12004-H, sub-§14 is enacted to read:

14. Lobster Promotion Council \$55 Per Diem Plus Expenses 12 MRSA §6455

Sec. 2. 12 MRSA c. 619, sub-c. III-A is enacted to read:

SUBCHAPTER III-A

LOBSTER PROMOTION COUNCIL

§6455. Lobster Promotion Council

1. Council established; purpose. The Lobster Promotion Council, established in Title 5, section 12004-H, subsection 14 and referred to in this subchapter as the "council," is created to promote and market actively Maine lobsters in state, regional, national and international markets. The council shall draw upon the expertise of the Maine lobster industry and established private marketing firms to identify market areas that will provide the greatest return on the investments made by lobster license holders and

undertake those media or promotional efforts that represent the most cost-effective use of a limited promotional budget. The council shall remain responsive to the Maine lobster industry, conduct its business in a public manner and undertake marketing efforts that promote the quality and full utilization of the product and the unique character of the coastal Maine lobster fishery.

The council consists of 9 voting members appointed as follows:

A. From the western district of the State, consisting of lands located between the Piscataqua River and the Kennebec River, 3 members meeting the qualifications in subsection 2;

B. From the midcoast district of the State, consisting of all lands located between the Kennebec River and the Penobscot River, 3 members meeting the qualifications in subsection 2; and

C. From the eastern district of the State, consisting of all lands located between the Penobscot River and the St. Croix River, 3 members meeting the qualifications in subsection 2.

The commissioner shall appoint the members of the council from among a list of nominees prepared by the Lobster Advisory Council. The commissioner shall appoint one member within each district for an initial term of one year, one member within each district for an initial term of 2 years and one member within each district for an initial term of 3 years. All subsequent members are appointed by the commissioner for terms of 3 years. A person may not serve more than 2 consecutive 3-year terms as a member of the council. By majority vote, the council shall annually elect a chair from among its members. The commissioner is an ex officio, nonvoting member of the council.

2. Qualifications of members. From each district, 3 members must be appointed who meet the following criteria:

A. One person who is a full-time harvester and who has held a valid lobster and crab fishing license for at least 5 consecutive years;

B. One person who is a dealer or pound operator and who:

(1) Has held a valid wholesale shellfish license or lobster transport license for a period of at least 5 consecutive years; or

(2) Is the manager of, or an officer in, a business entity operating in the State that holds a valid wholesale shellfish license or lobster transport license; and

C. One person who is a public member.