

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

the proposed program and any interested residents of the municipality or contiguous municipalities.

A. Any regional council commenting on a proposed program or program component shall determine whether the proposed program or program component is compatible with those of other municipalities that may be affected by the proposal program and with regional needs identified by the regional council.

B. Within 90 days after receiving the municipal request, the office shall issue a certificate of consistency or request revisions to the proposed program. If the same local growth management program or a component of the program component has been previously reviewed by the office under this article, denial of certification or requested revisions must be based on written findings prepared by the office at that time.

C. If the office requests revisions to the proposed program, it shall provide the municipality with findings specifically describing the deficiencies in the submitted program and the recommended measures for remedying the deficiencies.

D. The office shall provide ample opportunity for the municipality submitting a local growth management program to respond to and correct any identified deficiencies in the program.

~~E. As set forth in section 4349, a municipality that receives a certificate of consistency is entitled to receive preference for certain state aid programs over a municipality that has received a planning or implementation assistance grant but has not received certification within 4 years after accepting a grant.~~

F. The office shall provide an expedited review and certification procedure for those submissions that represent minor amendments to certified local growth management programs.

G. The office's decision on certification constitutes final agency action.

Sec. 12. 30-A MRSA §4349, as enacted by PL 1991, c. 780, Pt. E, §2, is amended to read:

§4349. Eligibility for other state aid, grants and assistance

~~1. Application. The preference for municipal eligibility for the state aid, grant and assistance programs listed in this section is applicable only to those municipalities that have chosen to accept a planning assistance grant. This section does not apply to any municipality that chooses not to accept a planning assistance grant.~~

~~2. Preference. For those municipalities that have received a planning assistance grant from the office, preference must be given to municipalities that have received certification within 4 years after accepting the planning assistance grant. When awarding grants or assistance to municipalities under any of the following programs, state agencies shall consider whether or not a municipality that received a planning assistance grant has had that plan certified by the office under section 4348. When awarding grants or assistance under any of the following programs, state agencies shall give preference to a municipality that receives a certificate of consistency under section 4348 over a municipality that has received a planning or implementation assistance grant but has not received certification within 4 years after accepting such a grant:~~

A. Programs that assist in the acquisition of land for conservation, natural resource protection, open space or recreational facilities under Title 5, chapter 353;

B. Community development block grants; and

C. Programs intended to:

(1) Accommodate or encourage additional growth and development;

(2) Improve, expand or construct public facilities;

(3) Acquire land for conservation, recreation or resource protection; or

(4) Assist in planning or managing specific economic and natural resource concerns.

This subsection does not apply to state aid, grants or other assistance for sewage treatment facilities, public health programs or education.

See title page for effective date.

CHAPTER 167

H.P. 749 - L.D. 1016

An Act Concerning the Hunting of Bear

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

Sec. 1. 12 MRSA §7451, sub-§1, ¶A, as amended by PL 1987, c. 171, is further amended to read:

A. There ~~shall be~~ is an open season on hunting bear from the first Monday preceding September 1st to November 30th annually. The commissioner

may, pursuant to section 7035, subsection 1, adopt rules prohibiting the use of bait to hunt black bear during any portion of the open bear hunting season.

See title page for effective date.

CHAPTER 168

H.P. 748 - L.D. 1015

An Act Relating to the Maine Endangered and Nongame Wildlife Fund

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

Sec. 1. 12 MRSA §7757, sub-§1, as enacted by PL 1983, c. 526, §2, is amended to read:

1. Establishment. There is established the Maine Endangered and Nongame Wildlife Fund. It ~~shall receive~~ receives money deposited by the Treasurer of State pursuant to Title 36, section 5284, revenues generated in accordance with this section and any money contributed voluntarily to the fund. All money deposited in the fund, and the earnings thereon, ~~shall~~ **must** remain in the fund to be used for the management of nongame wildlife and for necessary administrative and personnel costs associated therewith, and ~~shall~~ **may** not be deposited in the General Fund or any other fund, except as specifically provided by statute.

Sec. 2. 12 MRSA §7757, sub-§4 is enacted to read:

4. Fund raising. The commissioner or the commissioner's authorized agent may provide for the creation, reproduction, sale, licensing, distribution and other disposal of any art or products for the purpose of generating revenues for the management of the State's nongame wildlife. All money generated from the sale of these items must be deposited in the Maine Endangered and Nongame Wildlife Fund.

See title page for effective date.

CHAPTER 169

H.P. 971 - L.D. 1302

An Act to Implement the Provision of Services Pursuant to the Augusta Mental Health Institute Consent Decree

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

Sec. 1. PL 1991, c. 591, Pt. FFF, §1, under that part designated "HUMAN SERVICES, DEPARTMENT OF" in the 4th part related to "Bureau of Elder and Adult Services" last paragraph is repealed and the following enacted in its place:

Provides funds for the implementation of the provisions of the Augusta Mental Health Institute consent decree settlement agreement.

Sec. 2. PL 1991, c. 591, Pt. FFF, §1, under that part designated "HUMAN SERVICES, DEPARTMENT OF" in that part related to "Bureau of Rehabilitation - Vocational Rehabilitation" last paragraph is repealed and the following enacted in its place:

Provides funds for the implementation of the provisions of the Augusta Mental Health Institute consent decree settlement agreement.

See title page for effective date.

CHAPTER 170

S.P. 269 - L.D. 833

An Act to Amend the Provisions Related to the Supervised Community Confinement Program

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

Sec. 1. 34-A MRSA §3036-A, sub-§9 is enacted to read:

9. Probation violation; revocation. If a prisoner on supervised community confinement violates a condition of supervised community confinement imposed on the prisoner and if the violation conduct is also a violation of a condition of probation imposed as part of the sentence the prisoner is serving while on supervised community confinement, the Director of Probation and Parole, or a designated representative, may file with any court a motion for revocation of probation and the court may revoke probation as specified in Title 17-A, section 1206.

See title page for effective date.