

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

provision of law, a snowmobile may be possessed or operated by any person in this State without being registered in this State as long as:

A. The snowmobile is properly registered in the name of a nonresident owner of the snowmobile; and

B. The nonresident owner of the snowmobile is a resident of a state, province, country or district with which this State has reciprocity.

For purposes of this subsection, "state, province, country or district with which this State has reciprocity" means a state, province, country or district that offers similar privileges to residents of this State. A state, province, country or district does not offer similar privileges if Maine residents holding a valid Maine snowmobile registration are charged a fee for access to the trail system in that state, province, country or district, or if, as determined by the commissioner, privileges and opportunities offered to snowmobile users in that state, province, country or district are not otherwise comparable to those offered in this State.

If a snowmobile is owned by a nonresident, but is primarily operated by a Maine resident, it must be registered in this State pursuant to this section. Nothing in this subsection authorizes the operation of any snowmobile in any manner contrary to this subchapter.

Sec. 27. 12 MRSA §7910, sub-§13, as enacted by PL 1993, c. 6, Pt. S, §2, is amended to read:

13. Nonlapsing appropriations. All General Fund appropriations to the department may not lapse but must be carried forward ~~and expended for the purposes for which the appropriations were made in a separate General Fund program and appropriated by the Legislature to the department for the purposes described in section 7074.~~ Funds in this program are revenues collected by the department and must be added to the sum of all other revenues collected, received and recovered by the department in calculating the amount of funds that must be appropriated to the department pursuant to the Constitution of Maine, Article IX, Section 22.

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

Effective March 31, 1994.

CHAPTER 575

S.P. 646 - L.D. 1805

An Act to Make Certain Revisions to the Maine Emergency Medical Services Act of 1982

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

Sec. 1. 32 MRSA §88, sub-§2, ¶F-1, as enacted by PL 1991, c. 588, §16, is repealed and the following enacted in its place:

F-1. The director must be qualified by training or by experience and is appointed by the board with approval of the commissioner. The director serves for an indefinite term, subject to removal for cause. The Governor shall set the compensation of the director.

Sec. 2. 32 MRSA §90-A, sub-§4, ¶D, as enacted by PL 1987, c. 273, §8, is amended to read:

D. Except in the specific circumstances where the Maine Administrative Procedure Act, Title 5, section 10004 may be invoked, if the board or its staff concludes that suspension or revocation of the license is in order, the board or its staff shall hold a hearing or request the Attorney General to file a complaint in the Administrative Court in accordance with Title 4, chapter 25; to commence either full or emergency proceedings.

Sec. 3. 32 MRSA §90-A, sub-§5, ¶G, as amended by PL 1991, c. 588, §19, is further amended to read:

G. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement that relates directly to the practice for which the licensee is licensed ~~or~~, conviction of ~~any~~ a crime for which incarceration for one year or more may be imposed or conviction of a crime defined in Title 17-A, chapter 11 or 45;

See title page for effective date.

CHAPTER 576

H.P. 1349 - L.D. 1815

An Act to Amend the Tree Growth Tax and Open Space Voluntary Withdrawal Laws

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

Whereas, Public Law 1993, chapter 452 made significant changes to the tree growth and open space tax laws affecting owners of small woodlots and small parcels of land; and

Whereas, these changes have created confusion and misunderstanding and require further study and clarification; and

Whereas, the current law requires certain landowners with fewer than 100 acres to declare their intentions as to whether to stay in tree growth, transfer to open space or withdraw from the program by April 1, 1994; 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. 36 MRSA §574-B, sub-§1, as amended by PL 1993, c. 452, §3, is further amended to read:

1. Forest management and harvest plan. A forest management and harvest plan has been prepared for the parcel and updated every 10 years. The landowner shall file a sworn statement with the municipal assessor in a municipality or the State Tax Assessor for parcels in the unorganized territory that a management plan has been prepared for the parcel. A landowner with a parcel taxed pursuant to this subchapter on September 30, 1989 has until April 1, 1999 to comply with this requirement and until the plan is prepared or April 1, 1999, whichever is earlier, ~~will be~~ is subject to the applicability provisions under this section as it existed on April 1, 1982.

A landowner with a parcel taxed pursuant to this subchapter for a property tax year beginning before April 1, ~~1994~~ 1995 when the parcel was less than 100 acres and the sole use of the land was harvesting of trees for personal use shall:

A. By April 1, ~~1995~~ 1996, file a sworn statement that a revised management plan has been prepared for the parcel of forest land;

B. Apply for classification under the open space laws pursuant to section 1106-A; or

C. Notwithstanding section 581, withdraw from tree growth classification pursuant to this paragraph for the ~~1994~~ 1995 tax year.

For withdrawal from tree growth classification under this paragraph, the entire parcel subject to that classification in 1993 must be withdrawn from classification for the ~~1994~~ 1995 tax year. Persons electing to withdraw under this paragraph shall notify the assessor before April 1, ~~1994~~ 1995 and pay a penalty equal to the taxes that would have been assessed on the first day of April for the 5 tax years, or any lesser number of tax years starting with the year in which the property was first classified, preceding ~~such that~~ withdrawal had ~~such the~~ real estate been assessed in each of those years at its fair market value on the date of withdrawal less all taxes paid on that real estate over the preceding 5 years and interest at the legal rate from the date or dates on which those amounts would have been payable. ~~If there is a change in use of the property before April 1, 1999, an additional penalty must be assessed equal to the difference between the back taxes paid under this paragraph and the amount that would have been assessed if the land had been withdrawn on April 1, 1994 under section 581 plus interest at the legal rate from April 1, 1994.~~ The procedure for withdrawal provided in this paragraph is intended to be an alternative to the procedure in section 581;

Sec. 2. Committee study. A subcommittee of the Joint Standing Committee on Taxation must be appointed by the presiding officers to study and review the changes made in the tree growth and open space laws in Public Law 1993, chapter 452. All committee members must be appointed by June 1, 1994. Committee membership must include representatives of the Legislature, owners of small and large parcels of land, municipal assessors, the forest product industry, municipal government, the Department of Conservation, the Bureau of Taxation and other individuals and organizations interested in tree growth. Staff assistance, including assistance in preparing any recommended legislation, may be requested from the Legislative Council.

The subcommittee shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters any recommendations that the subcommittee believes would improve the tree growth and open space laws by November 1, 1994. The joint standing committee of the Legislature having jurisdiction over taxation matters may report any necessary implementing legislation to the First Regular Session of the 117th Legislature. Members

of the subcommittee are not entitled to per diem or expenses for participation in this study.

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

Effective March 31, 1994.

CHAPTER 577

S.P. 661 - L.D. 1829

An Act Authorizing the Commissioner of Inland Fisheries and Wildlife to Award 5 Moose Hunting Permits through Public Auction to Fund Youth Conservation Education Programs

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

Sec. 1. 12 MRSA §7463-A, sub-§13 is enacted to read:

13. Issuance of moose hunting permits to fund youth conservation education programs. Notwithstanding subsection 4, the commissioner may issue not more than 5 moose hunting permits each year through public auction in accordance with the following provisions.

A. Each moose hunting permit issued under this subsection must be awarded through public auction to the applicant who submits the highest bid.

B. A person who applies for a moose hunting permit under this subsection is subject to the eligibility provisions of subsection 5, except that a successful applicant is not required to wait 2 years in order to obtain another permit.

C. An eligible person wishing to apply for a permit under this subsection shall submit a written application in such form as the commissioner may require. The application must be accompanied by a bidding fee of \$25, which, except as otherwise provided in paragraph D, may not be refunded.

D. An eligible person may apply for a moose hunting permit both through the public chance drawing and in accordance with this subsection. If a person is selected to receive a moose hunting permit as a result of the public chance drawing, that person is no longer eligible to obtain a permit under this subsection and the bidding fee submitted by that person must be refunded.

E. A moose hunting permit issued under this subsection is valid in the moose hunting zone designated by the permittee. This designation must be made within 30 days after the permit is awarded.

F. A person who is awarded a moose hunting permit under this subsection may select a sub-permittee to participate in the moose hunt as provided in subsection 4-A.

G. The commissioner may enter into a contract with a conservation organization whose goals and objectives are not inconsistent with those of the department to advertise this process of issuing permits, auction the permits and collect revenues.

H. Except as otherwise provided, the provisions of chapters 701 to 721 relating to moose are applicable to the hunting of moose with a permit awarded under this subsection.

I. All revenues derived from the sale of moose hunting permits under this subsection, including all bidding fees, must be deposited into a special nonlapsing account within the department and that account must be used to pay the costs of administering this process of issuing permits and to fund youth conservation education programs.

J. The commissioner may adopt rules necessary for the proper administration, implementation, enforcement and interpretation of this subsection.

K. Notwithstanding this subsection, the total number of moose hunting permits issued each year must be in accordance with subsection 2-A.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1994-95

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Division of Public Information and Education

All Other	\$50,000
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Provides for the allocation of funds for youth conservation education programs funded