

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

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
-----------	----------

Provides for the allocation of funds for youth conservation education programs funded

through the auctioning of 5
moose hunting permits.

See title page for effective date.

CHAPTER 578

S.P. 692 - L.D. 1878

An Act to Improve Methods of Dispute Resolution of the Maine Human Rights Commission

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

Sec. 1. 5 MRSA §4612, sub-§1, ¶A, as enacted by PL 1985, c. 585, §1, is amended to read:

A. The commission or its delegated single commissioner or investigator shall provide an opportunity for the complainant and respondent to resolve the matter by settlement agreement prior to a determination of whether there are reasonable grounds to believe that unlawful discrimination has occurred. Evidence of conduct or statements made in compromise settlement negotiations, offers of settlement and any final agreement may not be made public without the written consent of the parties to the proceeding nor used as evidence in any subsequent proceeding, civil or criminal, except in a civil action alleging a breach of agreement filed by the commission or a party. The commission may adopt rules providing for a 3rd-party neutral mediation program. The rules may permit one or more parties to a proceeding to agree to pay the costs of mediation. The commission may receive funds from any source for the purposes of implementing a 3rd-party neutral mediation program.

See title page for effective date.

CHAPTER 579

H.P. 1390 - L.D. 1888

An Act to Expedite Oil Spill Response Activities

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

Sec. 1. 38 MRSA §363-D is enacted to read:

§363-D. Waiver or modification of protection and improvement laws

The commissioner or the commissioner's designee may waive or modify any of the provisions of this chapter if that waiver or modification promotes or assists any oil spill response activity conducted in accordance with the national contingency plan, a federal contingency plan, the state marine oil spill contingency plan, or as otherwise directed by the federal on-scene coordinator, the commissioner or commissioner's designee. A waiver issued by the commissioner under this section must be in writing.

See title page for effective date.

CHAPTER 580

S.P. 698 - L.D. 1896

An Act to Correct the Implementation of Recent Changes to the Retirement Laws

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

Whereas, implementation of the recent amendments to the state retirement laws has caused confusion in at least one school district; and

Whereas, the legislative intent behind these amendments will be thwarted unless the law is corrected; and

Whereas, there is a need to make these corrections as quickly as possible to prevent injustice; 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. 5 MRSA §17001, sub-§13, ¶C, as repealed and replaced by PL 1993, c. 410, Pt. L, §13, is amended to read:

C. Earnable compensation does not include any increase that exceeds the prior year's earnable compensation by more than 5% or that results in a total increase of more than 10% during the 3-year period used in the calculation of average final compensation unless the cost of the additional actuarial liability arising from the excess