

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

nances ~~shall~~ may not be repugnant to the constitution and laws of this ~~state~~ State or of the United States; ~~all vacancies. A vacancy in such the vestry may be filled by the vestrymen members of the vestry at any meeting, and the persons person elected to fill such vacancies shall hold for the same period as their predecessors would have done a vacancy serves for the remainder of the unexpired term.~~

Sec. 10. Temporal affairs; by whom managed. All temporal affairs of ~~such the~~ such parishes ~~shall be~~ are managed by the rector, wardens and ~~vestrymen thereof vestry of those parishes, and they shall have authority to alter, erect, repair, enlarge, and in case they deem determine it necessary, to take down or remove and rebuild any church or other building belonging to such the corporation.~~

Sec. 12. Reorganization; how effected. Any parish of the Protestant Episcopal Church, ~~herebefore~~ here organized under any other general law may reorganize, so as to become subject to the provisions of this ~~aet Act, whenever such the parish shall at any duly called parish meeting authorize authorizes the wardens and vestrymen members of the vestry to execute and acknowledge an agreement as provided in this aet Act, which agreement shall must in addition to the requisites mentioned in the first section 1, set forth that it is executed for the purpose of reorganizing such the parish according to the provisions of this aet Act. Such an agreement shall be is deemed sufficient when so executed and acknowledged by a majority of such the wardens and vestrymen, members of the vestry and recorded in said the registry of deeds.~~

Sec. 8. P&SL 1869, c. 180, §13, as amended by P&SL 1977, c. 11, §3, is further amended to read:

Sec. 13. Amended to conform with change in date of annual meeting. Upon ~~such the~~ such execution, acknowledgment and recording of ~~such an~~ an agreement, ~~such the~~ such parish ~~shall, without further action, be is~~ shall, without further action, be deemed to all intents and purposes reorganized, and all rights of property and of contract ~~shall remain unimpaired, and the corporate identity of such the parish shall continue continues unchanged. The wardens and vestrymen members of the vestry in office shall continue therein in those offices until the annual election next following such the reorganization, and until a new board shall be is chosen, and no other meeting or notice shall be is necessary to complete such the reorganization; provided, that when, When a new board shall be is chosen, it shall must consist of the number of vestrymen members of the vestry required by such the articles of reorganization.~~

See title page for effective date.

CHAPTER 71

H.P. 1382 - L.D. 1881

An Act to Allow the Heartwood School of Art to Grant an Associate of Arts Degree

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

Sec. 1. Degrees. The Heartwood School of Art, located in Kennebunkport, may confer the degree of Associate of Arts as is usually conferred by like institutions of higher learning.

See title page for effective date.

CHAPTER 72

H.P. 1267 - L.D. 1694

An Act to Establish a Commission to Study the Permitting Requirements Needed to Foster Sustainable Development of the State's Cranberry Industry

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

Sec. 1. Commission established. The Commission to Study Permitting of Cranberry Growing Operations, referred to in this Act as the "commission," is established to study environmental permitting requirements under state law applicable to cranberry growing operations.

Sec. 2. Membership. The commission is composed of 19 members, as follows:

1. The Commissioner of Environmental Protection or the commissioner's designee;
2. The Commissioner of Inland Fisheries and Wildlife or the commissioner's designee;
3. The Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee;
4. Three Legislators representing geographic diversity, appointed jointly by the President of the Senate and the Speaker of the House of Representatives, one each from the Joint Standing Committee on Agriculture, the Joint Standing Committee on Energy and Natural Resources and the Joint Standing Committee on Inland Fisheries and Wildlife;

5. Two cranberry growers, at least one of whom is a member of the Maine Cranberry Growers Association, appointed by the Governor;

6. Three members of the general public, appointed by the Governor;

7. Two representatives of environmental advocacy organizations, jointly appointed by the President of the Senate and the Speaker of the House of Representatives; and

8. Six members appointed by the Commissioner of Agriculture, Food and Rural Resources including one staff person from the Department of Agriculture, Food and Rural Resources, one representative of the University of Maine Cooperative Extension Service and one representative of each of the following federal agencies: the United States Environmental Protection Agency, the United States Army Corps of Engineers, the United States Fish and Wildlife Service and the United States Department of Agriculture, Soil and Conservation Service. It is the intent of the Legislature that the commissioner appoint to fill these positions the persons who currently serve as the Project Manager and the Oversight Committee of the Maine Cranberry Research Project to Avoid Wetland Conversion in Northern New England.

Appointing authorities shall notify the Commissioner of Agriculture, Food and Rural Resources of their appointments no later than 30 days after the effective date of this Act, and the commissioner shall convene the first meeting of the commission as soon as feasible after appointments are complete. The commission shall elect a chair from among its members.

Legislators are not entitled to receive legislative per diem or expenses for their service on the commission, nor are other commission members entitled to compensation for their services or to reimbursement of expenses.

Sec. 3. Duties. The commission shall analyze existing state laws with respect to the growing of cranberries in a manner that maximizes environmental protection while fostering economic growth in the industry. The commission shall coordinate its efforts with and report its findings and recommendations to the federal and state interagency task force formed to reexamine the federal general permit application for cranberry production by March 1, 1995. This report, along with any suggested changes in state law necessary to foster growth in the cranberry industry while protecting the environment, must be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources matters by March 1, 1995. The report must include a recommendation as to whether the commission should

continue to exist and work after that date. Any legislation proposed by the commission must be submitted to the Office of the Revisor of Statutes by March 1, 1995.

Sec. 4. Staff. The Department of Agriculture, Food and Rural Resources shall provide assistance to the commission as needed, including staff assistance, meeting facilities and drafting of any legislation proposed.

Sec. 5. Funding. The commission may seek and accept outside funding, including funds that may be provided by the federally sponsored Northeast Region Sustainable Agriculture Research and Education Program and the "Agriculture in Concert with the Environment" Program. The Department of Agriculture, Food and Rural Resources shall administer any funds received. Expenses that have an effect on the General Fund may not be incurred by the commission.

Sec. 6. Effect of study. This Act and the study commission created in this Act do not prohibit cranberry growing activities that are being carried out under licenses issued prior to the effective date of this Act.

Sec. 7. Repeal. This Act is repealed July 15, 1997.

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Commission to Study Permitting of Cranberry Growing Operations

| | |
|--|-------|
| All Other | \$500 |
| Allocates funds to authorize expenditures by the Commission to Study Permitting of Cranberry Growing Operations. | |

See title page for effective date.