

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

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Augusta, Maine
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CHAPTER 165**S.P. 349 - L.D. 977****An Act to Remove Outdated and Duplicative Provisions from the Statute Governing the Office of Substance Abuse****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 5 MRSA §20007**, as enacted by PL 1989, c. 934, Pt. A, §3, is amended to read:**§20007. Agency cooperation**

~~The Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the Commissioner of Public Safety shall constitute the Substance Abuse Advisory Group. The commissioners shall elect a chair from among the members of the advisory group and shall meet with the director to provide advice on the development and operation of alcohol and drug abuse prevention and treatment programs. The advisory group shall meet, at a minimum, in alternate months.~~

State agencies shall cooperate fully with the office and council in carrying out this chapter. A state agency may not develop, establish, conduct or administer any alcohol or drug abuse prevention or treatment program without the approval of the office. The office may request personnel, facilities and data from other agencies as the director finds necessary to fulfill the purposes of this Act.

See title page for effective date.

CHAPTER 166**H.P. 162 - L.D. 210****An Act to Expand the Membership of the Loring Development Authority of Maine****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 5 MRSA §13080-B, sub-§§2 and 3**, as enacted by PL 1993, c. 474, §1, are amended to read:

2. Membership; appointment. The authority is governed by a board of trustees composed of ~~44~~ 13 voting members appointed by the Governor and subject to review by the joint standing committee of

the Legislature having jurisdiction over economic development matters and to confirmation by the Senate.

A. Trustees are appointed for 4-year terms except that, for initial appointments, 3 trustees are appointed to one-year terms, 3 trustees to 2-year terms, 2 trustees to 3-year terms, ~~2~~ 4 trustees to 4-year terms and the commissioner designated pursuant to paragraph D serves at the pleasure of the Governor.

B. A trustee continues to hold office until a successor is appointed and qualified, but the term of the successor is not altered from the original expiration date of the holdover trustee's term.

C. The Governor shall make ~~40~~ 12 appointments, of which no less than 7 must be from candidates who are residents of Aroostook County and are nominated by the primary impact communities. The Governor shall appoint members who reflect the diversity of interests represented by these communities. At least 4 of the remaining appointments must be from candidates who are not residents of Aroostook County.

D. The Governor shall designate a commissioner of a department of State Government to be a voting, ex officio member of the board of trustees.

3. Quorum. ~~Six~~ Seven members constitute a quorum. ~~Six~~ Seven affirmative votes are required for the board to take action.

See title page for effective date.

CHAPTER 167**S.P. 43 - L.D. 73****An Act to Ensure Integrity in Maine Government by Prohibiting Involvement of Constitutional Officers and the State Auditor in Political Action Committees****Be it enacted by the People of the State of Maine as follows:****Sec. 1. 21-A MRSA §1053, sub-§1**, as amended by PL 1989, c. 504, §§25 and 31, is further amended to read:

1. Identification of committee. The names and mailing addresses of the committee, its treasurer, its principal officers and the identity of any candidate ~~for any constitutional office or~~ who is registered under

section 1013-A and who is involved in decision making for a political action committee organized to advance the election of that candidate;

Sec. 2. 21-A MRSA §1063 is enacted to read:

§1063. Constitutional officers and State Auditor

The Secretary of State, the Treasurer of State, the Attorney General, the State Auditor, or any individual running for these offices, may not form a political action committee or be involved in decision making for or solicit contributions to a political action committee.

See title page for effective date.

CHAPTER 168

S.P. 317 - L.D. 898

**An Act to Amend the Procedures for
Conducting a School District
Referendum**

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

Sec. 1. 20-A MRSA §1353, sub-§2, as amended by PL 1989, c. 502, Pt. A, §52, is further amended to read:

2. Voting. Voting ~~shall~~ must be held and conducted as follows.

A. The voting at ~~referendum~~ referenda held in towns ~~shall~~ must be held and conducted in accordance with Title 30-A, sections 2524 and 2528 to 2532, even though the town has not accepted the provisions of Title 30-A, sections 2524 and 2525. The facsimile signature of the clerk under Title 30-A, section 2528, subsection 6, paragraph F, ~~shall~~ must be that of the ~~chairman~~ chair of the board of directors. If a district referendum is called to be held simultaneously with any statewide election, the voting in towns ~~shall~~ must be held and conducted in accordance with Title 21-A, except that the duties of the Secretary of State ~~shall~~ must be performed by the board and if the statewide election is a primary election, any registered voter may vote in the referendum. The absentee voting procedure of Title 21-A ~~shall~~ must be used, except the duties of the Secretary of State ~~shall~~ must be performed by the board.

B. The voting at ~~referendum~~ referenda in cities ~~shall~~ must be held and conducted in accordance with Title 21-A, including the absentee voting procedure, except that the duties of the Secretary

of State ~~shall~~ must be performed by the board of directors and if the statewide election is a primary election, any registered voter may vote in the referendum.

See title page for effective date.

CHAPTER 169

S.P. 268 - L.D. 719

**An Act to Change the Restricted
Area around Aquaculture Pens from
500 to 300 Feet**

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

Sec. 1. 12 MRSA §6402-C is enacted to read:

§6402-C. Suspension based on 2 or more convictions of dragging within the prohibited area surrounding aquaculture operations

For any person convicted of a 2nd or subsequent offense of section 6957, subsection 1, the commissioner shall suspend the license authorizing the activity in which the person was engaged at the time of the violation. The suspension is for 5 years from the date of conviction.

Sec. 2. 12 MRSA §6957, as enacted by PL 1993, c. 723, §1, is amended to read:

§6957. Fishing near floating equipment

1. Prohibition. A person may not operate a vessel using drags, otter trawls, pair trawls, beam trawls, scottish seines or midwater trawls to fish for or take finfish, shellfish, sea urchins or any other marine organisms within ~~500~~ 300 feet of any suspended culture floating cages, tray racks or other floating equipment authorized in a lease issued by the commissioner under section 6072, if the equipment is marked in accordance with subsection 1-A.

1-A. Markings. The owner of a suspended culture floating cage, tray rack or other floating equipment shall mark the area in which a vessel is prohibited under subsection 1 with at least 4 anchors, each marked by a yellow buoy at least 2 feet in diameter.

2. Penalty. A violation of ~~this section~~ subsection 1 is a Class D crime, except that, notwithstanding Title 17-A, section 1301, the court shall impose a