

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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
1995

CHAPTER 506**H.P. 1149 - L.D. 1588****An Act to Clarify the Referendum Recount Process**

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

Whereas, current law does not adequately provide for the event of a statewide referendum recount; and

Whereas, a recount on a statewide referendum has been requested; 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. 21-A MRSA §738, as amended by PL 1993, c. 473, §32 and affected by §46, is further amended to read:

§738. Statewide referendum ballots

Except as otherwise provided in this section, the method of conducting a referendum recount is governed by section 737-A.

On petition signed by 100 or more affected voters, a recount may be held on any referendum question by applying to the Secretary of State within the deadline provided in section 737-A. A deposit is required if the percentage difference between the yes and no votes falls within the requirements of section 737-A, subsection 1. Appeal of challenged or disputed ballots is to the Supreme Judicial Court.

If a ballot contains state and local candidates or questions, the Secretary of State shall determine which requests for recount must be honored first when more than one request is presented.

Sec. 2. Committee directed to report out legislation. The joint standing committee of the Legislature having jurisdiction over legal and veterans affairs shall report out legislation to the Second Regular Session of the 117th Legislature related to the recount process for referendum questions.

Sec. 3. Application. Notwithstanding Title 1, section 302, section 1 of this Act applies to all

requests for a statewide referendum recount that exist on the effective date of this Act.

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

Effective December 7, 1995.

CHAPTER 507**H.P. 1158 - L.D. 1592****An Act to Implement the Productivity Plan of the Department of Marine Resources**

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

Whereas, this legislation establishes the Aquarium and Resource Center at West Boothbay Harbor Fund; and

Whereas, it is essential that this fund be established immediately; 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. 12 MRSA §6030 is enacted to read:

§6030. Aquarium and Resource Center at West Boothbay Harbor Fund

1. Fund. There is established the Aquarium and Resource Center at West Boothbay Harbor Fund, referred to in this section as the "fund." The department is authorized to set and receive fees to be deposited in the fund. The fund receives all funds collected by the department from the operation of the Aquarium and Resource Center at West Boothbay Harbor, including admission fees, the proceeds of sales at the Aquarium and Resource Center at West Boothbay Harbor and donations, grants or other funds presented to the department for the benefit of the Aquarium and Resource Center at West Boothbay Harbor and its educational programs. All money deposited in the fund and the earnings on the money remain in the fund to be used for the management and maintenance of the Aquarium and Resource Center at West Boothbay Harbor and its programs that educate

the State's children, teachers and visitors about the State's marine resources. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.

2. Annual report. By February 1st of each year the commissioner shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over fisheries matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The report must detail the amount of money collected in the fund over the course of the prior year and the expense of managing and maintaining the Aquarium and Resource Center at West Boothbay Harbor and its programs. The commissioner shall make recommendations concerning how the fund may be increased or expenses reduced or both so that the Aquarium and Resource Center at West Boothbay Harbor and its programs become increasingly financially self-sustaining.

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

	1995-96	1996-97
MARINE RESOURCES,		
DEPARTMENT OF		
Bureau of Marine Sciences		
All Other	\$25,000	\$125,000
Provides allocations to establish the Aquarium and Resource Center at West Boothbay Harbor Fund.		

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

Effective December 7, 1995.
