

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

Sec. 3. 12 MRSA §6671, sub-§7, as enacted by PL 1977, c. 661, §5, is amended to read:

7. Joint programs; reciprocal privileges. Municipalities may enter into ~~joint conservation~~ regional shellfish management agreements with other municipalities and adopt ~~joint~~ regional shellfish management programs. The agreements, and the programs and ordinances adopted under them, ~~shall be~~ are subject to the same requirements as municipal programs and ordinances. Resident privileges of one municipality in a ~~joint~~ regional shellfish management agreement may be extended to the residents of other municipalities in the agreement. Notwithstanding subsection 2, a regional shellfish management committee comprised of at least one resident from each municipality named in the regional agreement may be established to administer a regional program.

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

Effective March 12, 1996.

CHAPTER 532

S.P. 659 - L.D. 1719

An Act to Correct Omissions in the Productivity Realization Task Force Legislation Relating to the State Soil and Water Conservation Commission and the Animal Welfare Board

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

Sec. 1. 5 MRSA §12004-G, sub-§30, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 5 MRSA §12004-I, sub-§2-B, as enacted by PL 1991, c. 779, §2, is repealed.

Sec. 3. 5 MRSA §12004-I, sub-§68-A is enacted to read:

<u>68-A.</u>	<u>State</u>	<u>Expenses</u>	<u>12 MRSA</u>
<u>Natural</u>	<u>Conservation</u>	<u>Only</u>	<u>§51-A</u>
<u>Resources</u>	<u>District</u>		
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 4. 12 MRSA §3, sub-§1, as amended by PL 1969, c. 477, §1, is repealed.

Sec. 5. 12 MRSA §3, sub-§1-A is enacted to read:

1-A. Department. "Department" means the Department of Agriculture, Food and Rural Resources.

Sec. 6. 12 MRSA c. 1, sub-c. II is amended by repealing the subchapter headnote and enacting the following in its place:

SUBCHAPTER II

SOIL AND WATER CONSERVATION

Sec. 7. 12 MRSA §51, as amended by PL 1991, c. 837, Pt. A, §28, is repealed.

Sec. 8. 12 MRSA §51-A is enacted to read:

§51-A. Advisory council established

The State Conservation District Advisory Council, as established by Title 5, section 12004-I, subsection 68-A, advises the commissioner on matters affecting the operations and responsibilities of soil and water conservation districts. The State Conservation District Advisory Council consists of one representative from each of the soil and water conservation districts. The president and vice-president of the Maine Association of Conservation Districts and the State Conservationist of the United States Department of Agriculture, Natural Resources Conservation Service shall serve as ex officio, nonvoting members. The president and vice-president of the Maine Association of Conservation Districts shall also serve as chair and vice-chair. The advisory council shall:

1. Formulation of budget. Consult with the commissioner regarding the formulation of that part of the department's budget that pertains to the operations of the soil and water conservation districts;

2. Procedures for election of supervisors. Advise the Department of Agriculture, Food and Rural Resources on the appointment of soil and water conservation district supervisors and on procedures for the election of supervisors;

3. Consult in areas of expertise. Regularly consult with the Department of Agriculture, Food and Rural Resources on matters in which the soil and water conservation districts have individual or collective expertise, including agriculture, forestry, water quality, economic and community development and the protection of landowner rights;

4. Distribution of grant money. Advise the department on procedures for the distribution of federal, state or private grant money that passes through the department and is intended for the work of soil and water conservation districts; and

5. Conservation districts. Advise the department regarding the formation or discontinuance of soil and water conservation districts.

Sec. 9. 12 MRSA §51-B is enacted to read:

§51-B. Assistance from department

The department shall assist the advisory council and individual soil and water conservation districts to further constructive working relationships with other natural resource agencies of State Government.

Sec. 10. 12 MRSA §52, as amended by PL 1991, c. 837, Pt. A, §29, is repealed.

Sec. 11. 12 MRSA §53, as amended by PL 1991, c. 837, Pt. A, §30, is repealed.

Sec. 12. 12 MRSA §54, sub-§4, as amended by PL 1969, c. 477, §1, is further amended to read:

4. United States and state agencies. To secure the cooperation and assistance of the United States and any of its agencies, and of agencies of this State, in the work of such districts, and in carrying out the functions of the commission under this chapter; and to accept grants, services and materials, ~~and to borrow money from the United States or from any corporation or agency of the United States or from the State of Maine or any of its subdivisions or from any other source, but in no event shall the faith and credit of the State of Maine or any county or other political subdivision thereof be pledged by the commission for the repayment of any indebtedness from any source;~~

Sec. 13. 12 MRSA §54, sub-§8, as amended by PL 1967, c. 494, §11, is further amended to read:

8. Options; purchases. ~~To~~ In addition to any powers conferred by Title 7, section 19, to obtain options upon and to acquire by purchase, exchange, lease, gift, grant, bequest, devise or otherwise any property or rights or interests therein; to maintain, administer and improve any properties acquired; to receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and to sell, lease, or otherwise dispose of any of its real or personal property or interests therein, in furtherance of the purpose and provisions of this chapter, including the conveyance, with or without consideration, of lands or interests therein to soil and water conservation districts for use in carrying out their authorized purposes;

Sec. 14. 12 MRSA §54-A is enacted to read:

§54-A. Budget

That part of the department's budget that pertains to the operations of the soil and water conservation

districts must be separately identified as a major budget area within the department's budget.

Sec. 15. 12 MRSA §102, first ¶, as amended by PL 1969, c. 477, §1, is further amended to read:

The governing body of the district ~~shall consist~~ consists of 5 supervisors, elected or appointed. The 2 supervisors appointed by the ~~commission shall~~ department must be persons who are by training and experience qualified to perform the services ~~which that~~ will be required of them in the performance of their duties. In appointing supervisors, the ~~state~~ commission department shall take into consideration ~~the recommendations of the representative of the state commission from the area in which the district is located, as well as representation of the various interests of the district such as agricultural, woodland, wildlife, recreation, community and area development.~~

Sec. 16. Transition provisions; State Soil and Water Conservation Commission.

1. Successor in powers. The Department of Agriculture, Food and Rural Resources is the successor in every way to the powers, duties and functions of the State Soil and Water Conservation Commission set forth in the Maine Revised Statutes, Title 12, chapters 1 and 3.

2. Rules. All existing rules and procedures in effect, in operation or adopted by the commission relating to the exercise of its powers, duties and functions under Title 12, chapters 1 and 3 are declared to be in effect and continue to be in effect until rescinded, revised or amended by the Department of Agriculture, Food and Rural Resources.

3. Obligations. All existing contracts, agreements and compacts of the commission relating to Title 12, chapters 1 and 3 continue in effect and all obligations and rights of the commission become the obligations and rights of the Department of Agriculture, Food and Rural Resources.

4. Property. All records, property and equipment in the possession of the commission that pertain to or were allocated or assigned for the commission's use in carrying out the responsibilities under Title 12, chapters 1 and 3 become the records, property and equipment of the Department of Agriculture, Food and Rural Resources.

Sec. 17. Maine Revised Statutes amended; Soil and Water Conservation Commission; revision clause. Wherever in the Maine Revised Statutes, Title 12, chapters 1 and 3, the words "Soil and Water Conservation Commission," "state commission" or "commission" appear or reference is made to those words, they are amended to read and mean "Department of Agriculture, Food and

Rural Resources," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

See title page for effective date.

CHAPTER 533

H.P. 1256 - L.D. 1728

An Act to Enhance Amusement Ride Safety

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

Sec. 1. 8 MRSA §502, 2nd ¶, as amended by PL 1991, c. 464, §3, is further amended to read:

~~No~~ A traveling circus, traveling amusement show or amusement device may not operate or exhibit any parade, show or entertainment in this State without first paying a license fee for each calendar year. Application for the license must be made to the Commissioner of Public Safety and contain the name of the person or corporation using or operating the traveling circus, traveling amusement show or amusement device, and a statement of proposed territory within the limits of the State, and names of the cities and towns in which the traveling circus, traveling amusement show or amusement device is to operate or exhibit. ~~No~~ A traveling circus or traveling amusement show or amusement device may not exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, in an amount to be determined by the commissioner, a certificate of public liability insurance issued by an authorized insurer or approved surplus lines insurer pursuant to Title 24-A or any risk retention group registered in any state pursuant to 15 United States Code, Chapter 65 or through a purchasing group registered in any state pursuant to 15 United States Code, Chapter 65. Upon receipt of the application, accompanied by a certificate of public liability insurance and upon payment of the required fee, a license is issued. For amusement shows, carnivals, thrill shows, ice shows, rodeos or similar types of performances which that are held indoors or outdoors the fee is ~~\$250~~ \$300. For circuses which that are held outdoors or under tents or similar temporary cover or enclosure the fee is \$500. For circuses held indoors in an auditorium, arena, civic center or similar type building the fee is ~~\$250~~ \$300. For circuses produced in their entirety by a nonprofit, charitable organization a license is required but no fee is charged. The amusement device license fee is ~~\$37.50~~ \$50 per amusement device. A traveling amusement show, having amusement devices and having secured a traveling amusement show license, must pay an

additional amusement device license fee for each amusement device over 5 rides. "Amusement device" means a device by which a person is carried or conveyed, where control by the rider over the speed or direction of travel is incomplete or is allowed to move on, around or over a fixed course within a defined area intended to thrill, excite or amuse, including, but not limited to, bungee jumping and water slides, regardless of whether a fee to operate is required. It does not include a vehicle or device; the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30-A, section 3001 or any coin-operated kiddie amusement device on a nonmoving base which that is designed to accommodate one child.

Sec. 2. 8 MRSA §563, as repealed and replaced by PL 1983, c. 210, is amended to read:

§563. Fees

The fee for the inspection of all structures and the annual license for motor vehicle raceways ~~shall be \$250~~ is \$300. The fee permits the holder of any motor vehicle raceway license to provide entertainment events such as auto thrill shows, motorcycle acts and other spectacular stunts at the licensed raceway. These events ~~shall~~ must be included in the certificate of public liability required pursuant to section 562. These fees ~~shall~~ must accompany the application and ~~shall~~ be credited to the Department of Public Safety to defray the expenses of the division. Any balance of these fees ~~shall~~ does not lapse but ~~shall be~~ is carried forward as a continuing account to be expended for the same purposes in the following years.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1996-97

**PUBLIC SAFETY,
DEPARTMENT OF**

State Fire Marshal's Office

All Other \$5,250

Provides funds for additional general operating costs associated with licensing and inspections.

See title page for effective date.