

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

(4) Notwithstanding the requirements of Title 36, section 5255-B, the individual may elect to have state income tax deducted and withheld from the individual's payment of unemployment compensation at the rate of 5%; and

(5) The individual must be permitted to change a previously elected withholding status.

B. Amounts deducted and withheld from unemployment compensation remain in the unemployment compensation fund until transferred to the federal or state taxing authority as a payment of income tax.

C. The commissioner shall follow all procedures specified by the United States Department of Labor and the federal Internal Revenue Service pertaining to the deducting and withholding of income tax.

D. Amounts may be deducted and withheld under this subsection only after amounts are deducted and withheld for any overpayments, child support obligations, food stamp overissues or any other amounts required to be deducted and withheld under this chapter.

For purposes of this subsection, the term "unemployment compensation" means any compensation payable under this chapter, including amounts payable by the commissioner pursuant to an agreement under any federal law providing for compensation, assistance or allowances with respect to unemployment.

See title page for effective date.

CHAPTER 555

H.P. 1229 - L.D. 1682

An Act to Transfer the Responsibility for Air Search and Rescue from the Commissioner of Transportation to the Chief of the State Police

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

Sec. 1. 6 MRSA §303, as amended by PL 1995, c. 504, Pt. B, §6, is further amended to read:

§303. Air search procedures

1. Agreements. The ~~commissioner~~ Chief of the State Police may establish agreements with public or

private agencies or organizations to assist in air search operations.

2. Situations covered. The ~~commissioner~~ Chief of the State Police shall establish and maintain a state air search and rescue plan for the immediate handling of the following emergency situations arising from aeronautical activities:

A. Locating aircraft believed lost and down within the State; and

B. Locating persons who are believed lost and down in the State as a result of accidents involving aircraft overflying the State or parachute jumps.

For purposes of this section, the phrases "within the State" and "in the State" include the coastal waters of the State as defined in Title 12, section 6001.

3. Plan of action. The state air search and rescue plan ~~shall~~ must provide a plan of action for search and rescue ~~which that~~ will mobilize all state ~~and federal~~ agencies ~~which that~~ can contribute in those emergencies and inform all ~~State state and federal~~ agencies ~~which that~~ request to be informed of any air search operation, in accordance with agreements reached in advance ~~and which relies upon~~. The plan may include utilization of the Maine Wing Civil Air Patrol to coordinate and control specific air search operations. The plan shall must provide that its first objective shall be is saving human life and rendering prompt aid to survivors.

4. Authority. The ~~commissioner~~ Chief of the State Police is responsible for the execution and overall coordination of air search and rescue efforts initiated in support of the air search and rescue plan by the Maine Wing Civil Air Patrol and those state and federal agencies which that are designated in the plan to play ~~an assisting~~ a role in emergencies.

~~A-1. The Chief of the State Police may delegate authority for overall coordination of air search and rescue efforts to a commissioned officer within the Bureau of State Police.~~

~~B. The Director of the Division of Aeronautics shall communicate and coordinate directly with the Air Search Mission Coordinator, an official of the Maine Wing Civil Air Patrol, who is involved in coordinating and controlling the specific air search operations conducted under the air search and rescue plan.~~

~~C. The Director of the Division of Aeronautics shall communicate and coordinate with state agencies who have agreed to offer mutual support in implementing the cooperative action plan for air search and rescue, when the~~

~~assistance is needed in searching for missing persons. The director shall immediately inform the Bureau of Marine Patrol of any aircraft that is believed lost over coastal waters of the State and keep the bureau apprised of the progress of the search for that aircraft.~~

See title page for effective date.

CHAPTER 556

S.P. 649 - L.D. 1691

An Act to Amend the Law Allowing the Growth and Sale of Cultivated Ginseng in Maine

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

Whereas, ginseng is a high-value crop that is in demand in other countries; and

Whereas, ginseng is considered to be a threatened species by the United States Fish and Wildlife Service; and

Whereas, the Department of Agriculture, Food and Rural Resources must certify that ginseng offered for sale from Maine is cultivated, thereby protecting the wild ginseng population in the State; and

Whereas, producers of ginseng must turn over confidential business information to the Department of Agriculture, Food and Rural Resources as a requirement of its certification program, which may endanger the security of their plantings; 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. 7 MRSA §2226 is enacted to read:

§2226. Records not public

1. Records. Notwithstanding Title 1, chapter 13, ginseng license applications, the names and addresses of licensees and records required of licensees by the department pertaining to the location of ginseng plantings are confidential and may not be made available for public inspection.

2. Termination of confidentiality. Notwithstanding subsection 1, the confidential status of records designated confidential under subsection 1 terminates when the records are used by the department as evidence for an enforcement action pursuant to this chapter or are subpoenaed in any proceeding to enforce a provision of this chapter, or are used in any prosecution for a criminal violation.

3. Records disclosed by licensee. Notwithstanding subsection 1, a licensee may authorize in writing the disclosure of records designated confidential under subsection 1.

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

Effective March 20, 1996.

CHAPTER 557

H.P. 1250 - L.D. 1712

An Act to Increase the Municipal Share of Dog Licensing Fees

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

Sec. 1. 7 MRSA §3923-A, sub-§2, as amended by PL 1995, c. 409, §5, is further amended to read:

2. Dogs or wolf hybrids incapable of producing young. A dog or wolf hybrid owner shall pay a fee of \$4 to the municipal clerk for each dog or wolf hybrid 6 months of age or older and incapable of producing young. A dog or wolf hybrid is considered incapable of producing young when the owner provides the following:

- A. A written certificate issued by a veterinarian stating that the veterinarian has neutered the dog or wolf hybrid;
- B. A written certificate issued by a veterinarian stating that the veterinarian has examined the dog or wolf hybrid and determined that the dog or wolf hybrid is incapable of producing young; or
- C. A previous license stating that the dog or wolf hybrid is incapable of producing young.

The clerk shall retain \$1 as a recording fee, deposit \$1 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$2 to the department for deposit in the Animal Welfare Fund.