

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

territories and, therefore, have been designated by state public safety officials to assign and maintain physical addresses for the purpose of enhanced 9-1-1 services in the unorganized territories; and

Whereas, there is a question whether this function constitutes a "service" within the Maine Revised Statutes, Title 30-A, section 7501; and

Whereas, the process of physical addressing may take as much as 2 years to complete; 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. 30-A MRSA §7501, sub-§§6 and 7, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

6. Other services. Any other service ~~which that~~ a municipality may provide for its inhabitants and ~~which that~~ is not provided by the State; ~~and~~

7. Law enforcement. Law enforcement; ~~and~~

Sec. 2. 30-A MRSA §7501, sub-§8 is enacted to read:

8. Enhanced 9-1-1 service. Assigning and maintaining physical addresses specifically for the purpose of statewide enhanced 9-1-1 service. The county commissioners may enact an ordinance to establish the addressing standards and, pursuant to that ordinance, may assign road names to existing and proposed roads and property numbers to existing and proposed year-round and seasonal dwellings or structures and may install signs designating road names.

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

Effective April 2, 1996.

CHAPTER 608

S.P. 739 - L.D. 1847

An Act to Amend the Freedom of Access Laws to Include Advisory Boards and Commissions in the Definition of Public Proceedings

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

Sec. 1. 1 MRSA §402, sub-§2, ¶D, as amended by PL 1991, c. 848, §1, is further amended to read:

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; ~~and~~

Sec. 2. 1 MRSA §402, sub-§2, ¶E, as enacted by PL 1991, c. 848, §1, is amended to read:

E. The board of directors of a nonprofit, non-stock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; ~~and~~

Sec. 3. 1 MRSA §402, sub-§2, ¶F is enacted to read:

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter.

Sec. 4. 1 MRSA §402, sub-§3, ¶¶H and I, as enacted by PL 1991, c. 448, §2, are amended to read:

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; ~~and~~

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; ~~and~~

Sec. 5. 1 MRSA §402, sub-§3, ¶J is enacted to read:

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of

the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization.

Sec. 6. Application. This Act applies to all laws, resolves and Executive Orders effective after the effective date of this Act.

See title page for effective date.

CHAPTER 609

S.P. 764 - L.D. 1876

An Act Concerning the Salmon Aquaculture Monitoring and Research Fund

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

Whereas, the Salmon Aquaculture Monitoring and Research Fund provides valuable services to an essential component of the State's marine resource economy; and

Whereas, the Salmon Aquaculture Monitoring and Research Fund will be repealed on July 1, 1996 unless legislative action is taken to extend the fund; 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. 5 MRSA §12004-I, sub-§57-B is enacted to read:

<u>57-B.</u>	<u>Maine</u>	<u>Not</u>	<u>12</u>
<u>Marine</u>	<u>Salmon</u>	<u>Autho-</u>	<u>MRSA</u>
<u>Resources</u>	<u>Aquaculture</u>	<u>rized</u>	<u>§6080</u>
	<u>Advisory</u>		
	<u>Council</u>		

Sec. 2. 12 MRSA §6078, as amended by PL 1993, c. 562, §2 and as repealed by PL 1995, c. 176, §1 and affected by §3, is repealed and the following enacted in its place:

§6078. Salmon Aquaculture Monitoring, Research and Development Fund

1. Fund established. All income received by the commissioner under this section must be deposited

with the Treasurer of State, to be credited to the Salmon Aquaculture Monitoring, Research and Development Fund, referred to in this section as the "fund," which is established as a nonlapsing fund. Any interest earned on this money must also be credited to the fund.

3. Production fee assessed. A person producing salmon in aquacultural facilities subject to section 6072 shall pay to the commissioner a fee of 1¢ per pound of whole fish harvested. The person shall pay the fee within 30 days of harvest. Timely payment of the fee is a condition of any lease granted under section 6072 for the production of salmon in net-pen aquacultural facilities. The commissioner may assess a late payment charge on any overdue payments computed at the annual interest rate established by the State Tax Assessor under Title 36, section 186. The commissioner may establish by rule any procedural requirements for collection of the fee including without limitation monthly reporting of harvest amounts and reporting forms. Failure to pay the fee is a civil violation punishable by a civil penalty not to exceed \$1,000.

4. Expenditures; purpose. The commissioner may make expenditures from the fund to develop effective and cost-efficient water quality licensing and monitoring criteria, analyze and evaluate monitoring data and process lease applications. In developing a program of expenditures, the commissioner shall consult with the Maine Salmon Aquaculture Advisory Council established under Title 5, section 12004-I, subsection 57-B. The commissioner may contract for services privately or under memoranda of agreement with other state agencies.

7. Additional revenues. The commissioner may expend annual revenues in excess of the operating expenses of a program under subsection 4 to address matters that the commissioner determines are of an emergency nature to the State's salmon aquaculture industry, to address matters that the commissioner determines are of long-term interest to the State's salmon aquaculture industry or to rebate revenues to all those persons who paid fees under subsection 3. A rebate must be in the same proportion to the total of all rebates as the recipient's fees for that period are to the total of all fees levied for that period. The commissioner shall consult with the Maine Salmon Aquaculture Advisory Council established under Title 5, section 12004-I, subsection 57-B when determining expenditures under this subsection.

8. Reports. On or before February 1st of each year, the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over marine resource matters on all expenditures made from the fund in the previous fiscal year and on all work accomplished and planned. The committee