

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

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**Whereas,** the Salmon Aquaculture Monitoring and Research Fund will be repealed on July 1, 1996 unless legislative action is taken to extend the fund; and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**Sec. 2. 12 MRSA §6078,** as amended by PL 1993, c. 562, §2 and as repealed by PL 1995, c. 176, §1 and affected by §3, is repealed and the following enacted in its place: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

may introduce and report legislation it determines necessary to modify the provisions of this section.

**9. Repeal.** This section is repealed July 1, 1997.

**Sec. 3. 12 MRSA §6080** is enacted to read:

**§6080. Maine Salmon Aquaculture Advisory Council**

**1. Appointment; composition.** The Maine Salmon Aquaculture Advisory Council, referred to in this section as the "council" and established by Title 5, section 12004-I, subsection 57-B, consists of 4 members. The commissioner or the commissioner's designee is a nonvoting, ex officio member of the council. The commissioner shall appoint 3 members from the State's salmon aquaculture industry. No more than 2 of the appointed members may represent similar segments of the State's salmon aquaculture industry.

**2. Term.** Council members serve for 3 years and continue serving until a successor is duly appointed and qualified. In the case of a vacancy, the commissioner shall promptly fill the vacancy.

**3. Purpose.** The council shall make recommendations to the commissioner concerning expenditures from the Salmon Aquaculture Monitoring, Research and Development Fund for the purposes described under section 6078, subsections 4 and 7.

**4. Chair and officers.** The council annually shall choose one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.

**5. Meetings.** The council shall meet at least once each year. It may also meet at other times at the call of the chair or the chair's designee or the commissioner or the commissioner's designee.

**6. Repeal.** This section is repealed July 1, 1997.

**Sec. 4. PL 1995, c. 176, §§1 and 3** are repealed.

**Sec. 5. Allocation.** The following funds are allocated from the Salmon Aquaculture Monitoring and Research Fund to carry out the purposes of this Act.

1996-97

**MARINE RESOURCES,  
DEPARTMENT OF**

**Salmon Aquaculture Monitoring,  
Research and Development Fund**

Positions - Other Count (1.0)

Personal Services	\$36,888
All Other	101,253
Capital Expenditures	39,421

TOTAL	\$177,562
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Allocates funds to reestablish one Marine Resources Scientist I position and necessary operating costs for the Salmon Aquaculture Monitoring, Research and Development Fund.

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

Effective April 2, 1996.

**CHAPTER 610**

**H.P. 1327 - L.D. 1818**

**An Act to Require that Public Schools Permit Participation in Curricular, Cocurricular and Extracurricular Activities for Students Enrolled in Approved Equivalent Instruction Programs**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 20-A MRSA c. 211, sub-c. I-A** is enacted to read:

**SUBCHAPTER I-A**

**EQUIVALENT INSTRUCTION PROGRAMS**

**§5021. Standards for participation in public schools by students enrolled in equivalent instruction programs**

A school administrative unit shall conform to the following standards in making public school resources and services available to a student enrolled in an