

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

3. Reports. The commissioner shall submit an interim and a final report on expenditures from the fund and research findings to the joint standing committee of the Legislature having jurisdiction over marine resource matters. An interim report must be submitted by July 1, 1996. A 2nd interim report must be submitted by January 1, 1998. A final report must be submitted by January 1, ~~1998~~ 1999.

Sec. 4. 12 MRSA §6749-W, sub-§2, ¶A, as enacted by PL 1995, c. 595, §5 and affected by §6, is amended to read:

A. ~~One hundred and fifty~~ Up to 150 days between August 1st and April 30th of the following calendar year during which a person may fish for or take sea urchins by hand, trap or rake. The commissioner is not required to designate the days in consecutive order; and

Sec. 5. 12 MRSA §6749-W, sub-§3, ¶A, as enacted by PL 1995, c. 595, §5 and affected by §6, is amended to read:

A. ~~One hundred and seventy~~ Up to 170 days between August 1st and April 30th of the following calendar year during which a person may fish for or take sea urchins by hand, trap or rake. The commissioner is not required to designate the days in consecutive order; and

Sec. 6. 12 MRSA §6749-W, sub-§§4 and 5 are enacted to read:

4. Limitation on approving zone changes. The commissioner may not authorize a zone change between August 1st and December 31st.

5. Effective date of zone change. The effective date of a zone change authorized by the commissioner is August 1st.

Sec. 7. 12 MRSA §6749-X, sub-§3, as enacted by PL 1995, c. 595, §5, is amended to read:

3. Purpose. The council shall make recommendations to the commissioner concerning ~~the designation of open days for the harvesting of sea urchins by handfishing, dragging, hand raking and trapping pursuant to section 6749-W. ;~~

A. The designation of open days for the harvesting of sea urchins by handfishing, dragging, hand-raking and trapping pursuant to section 6749-W;

B. Research projects and grants funded by the Sea Urchin Research Fund under section 6749-R; and

C. Other matters of interest to the sea urchin fishery.

Sec. 8. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
MARINE RESOURCES, DEPARTMENT OF Resource Management-Bureau of		
All Other	\$180,000	\$180,000
Allocates funds for the continuation of the Sea Urchin Research Fund.		

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

Effective May 15, 1997.

CHAPTER 178

H.P. 809 - L.D. 1097

An Act Regarding the Enforcement of the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §1601, sub-§3-A is enacted to read:

3-A. Insurance in effect. A person violates this section if that person produces evidence of liability insurance or financial responsibility that is not in effect.

Sec. 2. 29-A MRSA §2103, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Material misstatement of fact. A person commits a Class E crime if that person knowingly ~~makes a material misstatement of fact on an application or document submitted in support of an application for a license, certificate, permit, examination, identification card, use decal, placard or any other document requesting action from the Secretary of State. ;~~

A. Makes a material misstatement of fact on an application or document submitted in support of an application for a license, certificate, permit, examination, identification card, use decal,

placard or any other document requesting action from the Secretary of State; or

B. Displays to a law enforcement officer or to the Secretary of State evidence of liability insurance or financial responsibility that is fictitious or fraudulently altered.

Sec. 3. 29-A MRSA §2251, sub-§4, ¶B, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

B. Within 5 days from the time of notification of the accident, transmit a the original written report containing all available information to the Chief of the State Police.

See title page for effective date.

CHAPTER 179

H.P. 220 - L.D. 284

An Act to Continue the State's Dioxin Monitoring Program and Consolidate Reports to the Legislature

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

Sec. 1. 38 MRSA §420-A, sub-§4, as repealed and replaced by PL 1991, c. 66, Pt. A, §9 and affected by §43, is amended to read:

4. Report. The commissioner shall report by ~~December 1, 1990, and annually thereafter on December 1st, March 31st of each year~~ on the results of the monitoring program to the joint standing committee of the Legislature having jurisdiction over natural resources. The annual report must contain the commissioner's conclusions as to the levels of dioxin contamination in the sample subjects and the likely scope of dioxin contamination in the State's waters.

Sec. 2. 38 MRSA §420-A, sub-§5, as amended by PL 1995, c. 223, §2, is further amended to read:

5. Fees assessed. The commissioner shall assess the selected facilities for the costs of sample collection and analysis, except that, if the selected facility is a publicly owned treatment works, the commissioner may assess the primary industrial generator discharging effluent into the treatment facility if the generator is known or likely to be discharging dioxin into the treatment facility. Fees received under this section must be credited to the Maine Environmental Protection Fund. Payment of these fees is a condition of the discharge license issued under this Title for

continued operation of the selected facilities, except that, if the selected facility is a publicly owned treatment works and the commissioner assesses the fee on an industrial generator, payment of the fee is not a condition of the discharge license of the selected facility. The fees assessed under this subsection may not exceed a total of \$250,000 in any fiscal year.

Sec. 3. 38 MRSA §420-A, sub-§6, as amended by PL 1995, c. 223, §3, is further amended to read:

6. Repeal. This section is repealed December 31, ~~1997~~ 2002.

Sec. 4. 38 MRSA §420-B, sub-§4, as enacted by PL 1993, c. 720, §1, is amended to read:

4. Report. No later than ~~January 1st~~ March 31st of each year, the commissioner shall report on the monitoring program to the joint standing committee of the Legislature having jurisdiction over natural resource matters. This report must contain:

A. At the start of each 5-year period, the 5-year monitoring plan;

B. The annual work program for the past year and the current year;

C. The commissioner's conclusions as to the levels of toxic contamination in the State's waters and fisheries; ~~and~~

D. Any trends of increasing or decreasing levels of contaminants found; ~~and~~

E. The report on the results of the dioxin monitoring program required under section 420-A, subsection 4.

See title page for effective date.

CHAPTER 180

H.P. 72 - L.D. 97

An Act Concerning the Taxation of Manufactured Homes That Are Stock-in-trade

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

Sec. 1. 36 MRSA §655, sub-§1, ¶B, as repealed and replaced by PL 1973, c. 592, §13, is amended to read:

B. ~~Stock-in-trade~~ Stock-in-trade, including inventory held for resale by a distributor, wholesaler, retail merchant or service