

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

creating or maintaining an individualized plan for the juvenile's rehabilitation.

See title page for effective date.

CHAPTER 279

H.P. 1135 - L.D. 1591

An Act to Amend the Washington County Budget Process

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.

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

Whereas, county budget preparation for the following calendar year must begin in early fall; and

Whereas, immediate enactment of this change in the Washington County budget approval process is necessary for the preparation of the 1998 county budget; 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 §900, as enacted by PL 1991, c. 777, §1, is amended to read:

§900. Budget; appropriations; approval

Notwithstanding sections 2, 701 and 702, in Washington County the county commissioners may appropriate money; according to a budget that must be approved by a majority of the county commissioners or as otherwise provided in this article.

Sec. 2. 30-A MRSA §900-B, sub-§1, ¶A, as enacted by PL 1991, c. 777, §1, is amended to read:

A. Before September 15th of every year, the county commissioners shall notify all municipal officers in the county to caucus by county com-

missioner districts at a specified date, time and place for the purpose of electing at least one municipal officer from each district as a member of the budget advisory committee; except that, in 1992, at least 3 municipal officers must be selected from each district unless the municipal officers of a district decide that another person from that district would be better qualified. A municipality may not be represented by more than one officer at a time. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget advisory committee member except that, in 1992, each caucus shall elect 3 members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

Sec. 3. 30-A MRSA §900-B-1 is enacted to read:

§900-B-1. Prior year's budget available

Annually by September 15th, the county commissioners shall publish, deliver to the budget advisory committee and make available to the public copies of a financial statement for the preceding county fiscal year showing funds authorized, including but not limited to revenues, unappropriated fund balances and reserve accounts, and expenditures made for each department, account and program and showing the balance in each account at the end of the fiscal year.

Sec. 4. 30-A MRSA §900-D, as enacted by PL 1991, c. 777, §1, is amended to read:

§900-D. Budget estimate; submission to advisory committee; legislative delegation role

The Washington County commissioners shall submit a budget estimate to the budget advisory committee no later than October 1st for the coming year. The budget advisory committee shall review the budget estimate and make recommendations to the commissioners before November 15th. The county commissioners shall act on the budget in a timely fashion and, in any event, not later than December 15th of the budget year. If county commissioners wish to make changes in the budget recommended by the budget advisory committee, the county commissioners shall schedule one or more meetings with the budget advisory committee before December 15th for the purpose of negotiating a final budget.

If, following negotiations, a final budget that is acceptable to the budget advisory committee is not approved by the county commissioners by December 15th, the budget advisory committee shall adopt a final budget and transmit that budget to the county

commissioners. The budget adopted by the budget advisory committee may be changed by a majority vote of the board of county commissioners. If the adopted budget is changed by the county commissioners, the budget advisory committee may reject that change by a 2/3 vote of its membership. The budget is final and not subject to further action by either the county commissioners or the budget advisory committee upon failure of the commissioners to recommend changes in the budget transmitted from the budget advisory committee or upon acceptance or rejection of changes by the budget advisory committee. The entire budget approval process must be completed by December 31st.

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

Effective May 27, 1997.

CHAPTER 280

H.P. 1132 - L.D. 1588

An Act Concerning Rabbit Hunting with Dogs

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

Sec. 1. 12 MRSA §7461, sub-§2 is enacted to read:

2. Hunting with a dog. A person may use a dog to hunt, or be accompanied by a dog while hunting, for wild hares or rabbits during the open firearm season on deer.

See title page for effective date.

CHAPTER 281

H.P. 531 - L.D. 722

An Act to Amend the Laws Regarding Scallop Harvesting

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

Sec. 1. 12 MRSA §§6726 and 6727 are enacted to read:

§6726. Ring size

1. Minimum size. It is unlawful to utilize a drag to fish for or take scallops in the coastal waters with rings that measure less than:

A. From November 1, 1997 to April 15, 1999, 3 inches in diameter;

B. From November 1, 1999 to April 15, 2001, 3 1/4 inches in diameter; and

C. On November 1, 2001 and thereafter, 3 1/2 inches in diameter.

2. Measurement of rings. Ring size is determined by measuring the shortest straight line passing through the center of the ring from one inside edge to the opposite inside edge of the ring. The measurement may not include links or normal welds from ring manufacturing. The rings measured must be at least 5 rings away from the mouth and at least 2 rings away from other rigid portions of the drag.

3. Configuration of drag. The commissioner shall adopt rules that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules initially adopted pursuant to this subsection must be identical to federal regulations in the Atlantic sea scallop fishery in effect on March 25, 1997 that limit the mesh size of net material on the top of a scallop drag, prohibit chafing gear or cookies on the top of a scallop drag, establish ring link restrictions for a scallop drag and prohibit drag or net obstructions. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

§6727. Drag width

1. Opening month of season. It is unlawful from November 1st to November 30th for a person to possess on any vessel fishing for scallops in the coastal waters, or to utilize when fishing for or taking scallops in the coastal waters, a drag or any combination of drags that measures in excess of 5 feet, 6 inches across from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge.

2. Remainder of season. It is unlawful from December 1st to April 15th for a person to possess on any vessel fishing for scallops in the coastal waters, or to utilize when fishing for or taking scallops in the coastal waters, a drag or any combination of drags that measures in excess of 10 feet, 6 inches across from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge.

Sec. 2. 12 MRSA §6954-B, as amended by PL 1995, c. 518, §1, is repealed.

Sec. 3. 12 MRSA §6954-C is enacted to read: