

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

Provides additional funds and funds through a transfer from the Medical Care - Payments to Providers program to reimburse certain spouses who perform personal care services.

Medical Care - Payments to Providers

All Other	(69,487)	(71,053)
Transfers funds to the Long Term Care - Human Services program to reflect a shift of expenditures for certain personal care services.		

Medical Care - Payments to Providers

All Other	(131,691)	(138,172)
Deappropriates funds due to anticipated savings in the Medicaid managed care initiative.		

DEPARTMENT OF HUMAN SERVICES TOTAL

\$-0-	\$-0-
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 12, 1997.

CHAPTER 510

H.P. 1016 - L.D. 1408

An Act to Redistrict Knox County and Provide for 5 County Commissioners

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. 30-A MRSA §61-B is enacted to read:

§61-B. Knox County

Notwithstanding section 61, there is a board of commissioners for Knox County consisting of a chair and 4 other citizens. All other provisions of section 61 apply to Knox County.

Sec. 2. Apportionment. Notwithstanding the Maine Revised Statutes, Title 30-A, section 61, when the county commissioner districts are reapportioned in 2003, as provided under Title 30-A, section 65, the apportionment commission shall apportion Knox County into 5 commissioner districts and shall include in its apportionment plan the initial terms of office for each commissioner district. The apportionment commission shall designate 2 commissioner districts that have 2-year terms and 3 commissioner districts that have 4-year terms. All subsequent terms are for 4 years.

Sec. 3. Statutory referendum procedure; submission at countywide election; form of question; effective date. This Act must be submitted to the legal voters of Knox County at a countywide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of Knox County shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a municipal election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor increasing the number of county commissioner districts in Knox County from 3 to 5?"

The legal voters of each city, town and plantation in Knox County shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Knox County commissioners are authorized to expend the funds necessary to implement the referendum. The county commissioners shall cause the preparation of the required ballots.

Sec. 4. Contingent effective date. That section of this Act that enacts the Maine Revised Statutes, Title 30-A, section 61-B takes effect on January 1,

2005 only if the referendum submitted pursuant to section 3 of this Act is approved pursuant to section 3.

See title page for effective date, unless otherwise indicated.

CHAPTER 511

H.P. 1169 - L.D. 1646

An Act to Increase the Effectiveness of the Maine Blueberry Commission

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

Whereas, the growing and processing of wild blueberries is an important industry of this State; and

Whereas, the Maine Blueberry Commission will operate more efficiently and provide enhanced services as a public instrumentality; 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-H, sub-§13, as enacted by PL 1989, c. 503, Pt. A, §22, is repealed.

Sec. 2. 5 MRSA §12004-H, sub-§13-A is enacted to read:

<u>13-A. Wild</u>	<u>Expenses</u>	<u>36 MRSA</u>
<u>Blueberry Commission</u>	<u>Only</u>	<u>§4312-C</u>
<u>of Maine</u>		

Sec. 3. 36 MRSA §4301, as amended by PL 1983, c. 836, §1, is further amended to read:

§4301. Purpose

The production and marketing of wild blueberries is one of the most important agricultural industries of the State, and this chapter is enacted into law to conserve and promote the prosperity and welfare of this State and of the wild blueberry industry of this State by fostering research and extension programs and, by ~~encouraging~~ supporting the development of ~~expanded market opportunities and other~~ promotional opportunities and other activities related to the wild blueberry industry.

Sec. 4. 36 MRSA §4302, sub-§1 is repealed.

Sec. 5. 36 MRSA §4302, sub-§1-A, as enacted by PL 1983, c. 836, §2, is amended to read:

1-A. Grower. "Grower" means ~~any~~ a person, firm, partnership, association or corporation engaged in the growing ~~or selling~~ of wild blueberries and ~~which that~~ is not a "processor" as defined in subsection 2.

Sec. 6. 36 MRSA §4302, sub-§§1-C and 1-D, as enacted by PL 1989, c. 214, §1, are amended to read:

1-C. Organized crew. "Organized crew" means a group of people working together under the supervision of a crew leader to harvest, pick, rake, possess or remove wild blueberries from the land of an owner.

1-D. Owner. "Owner" includes a landowner or leaseholder of land on which wild blueberries are grown and harvested for profit, or the landowner's or leaseholder's authorized agent, and includes a receiver of wild blueberries grown in Canada and purchased from Canadian sellers.

Sec. 7. 36 MRSA §4302, sub-§2, as amended by PL 1989, c. 29, §1, is further amended to read:

2. Processor. "Processor" means ~~any~~ a person, firm, partnership, association or corporation engaged in the fresh packing, canning, freezing or dehydrating of wild blueberries whether as owner, agent or otherwise.

Sec. 8. 36 MRSA §4302, sub-§§3 and 4 are amended to read:

3. Seller. "Seller" ~~shall mean any~~ means a person, firm, partnership, association or corporation offering fresh wild blueberries for sale, either to themselves or to others.

4. Shipper. "Shipper" ~~shall mean any~~ means a person, firm, partnership, association or corporation engaged in the shipping, transporting, storing, selling or otherwise handling of wild blueberries either in processed form or as fresh fruit, whether as owner, agent or otherwise.

Sec. 9. 36 MRSA §4302, sub-§5, as enacted by PL 1989, c. 214, §1, is amended to read:

5. Transportation permit. "Transportation permit" means an official permit on forms duly adopted and furnished by the Maine Wild Blueberry Commission of Maine to owners.

Sec. 10. 36 MRSA §4302, sub-§6 is enacted to read: