

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

In examining these issues, the department may analyze the results of a survey distributed with new out-of-door burning permits.

Sec. 8. Report and recommendations.

The Department of Environmental Protection shall submit a report of its findings and recommendations with any implementing legislation to the Joint Standing Committee on Natural Resources no later than January 1, 1998. The report must include specific recommendations on whether to prohibit or further restrict backyard burning, with an explanation of the implications of such action.

Sec. 9. Educational outreach. The Department of Environmental Protection, in consultation with the Executive Department, State Planning Office and the Department of Conservation, Bureau of Forestry, shall undertake an educational outreach program to inform the public about the health and environmental effects of backyard burning. The Department of Environmental Protection shall include in the report required in section 8 an update on implementation of the educational outreach program.

See title page for effective date.

CHAPTER 513

S.P. 193 - L.D. 611

**An Act to Ensure Funding for
Snowmobile Law Enforcement
Activities**

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

Sec. 1. 12 MRSA §7017, sub-§7 is enacted to read:

7. Snowmobile enforcement expenditures not to diminish. In every fiscal year, the department shall budget from appropriations to the enforcement operations program an amount for snowmobile enforcement activities that is not less than the average General Fund expenditures from that program for those purposes over the previous 2 fiscal years. Expenditures from the Snowmobile Enforcement Fund, established in section 7824-G, may not be included in calculating average expenditures.

Sec. 2. 12 MRSA §7824, sub-§3, ¶B, as amended by PL 1997, c. 24, Pt. I, §9, is further amended to read:

B. The registration fee for nonresidents is credited as follows.

(1) ~~Twenty-five~~ Eighteen percent is credited to the General Fund as undedicated revenue.

(1-A) Seven percent is credited to the Snowmobile Enforcement Fund established under section 7824-G.

(2) The remainder is credited to the Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and Lands.

Sec. 3. 12 MRSA §7824-G is enacted to read:

§7824-G. Snowmobile Enforcement Fund

The Snowmobile Enforcement Fund is established in the department's Bureau of Warden Service and in this section referred to as the "fund." All funds credited to the fund are available for use by the Game Warden Colonel of the Bureau of Warden Service only for the purposes established in this section. Money in the fund may be used only to supplement other funds appropriated to the enforcement operations program. Money in the fund at the end of each fiscal year does not lapse and must be carried forward to the next fiscal year.

The Game Warden Colonel may use money in the fund only for the following purposes:

1. Snowmobile law enforcement. Regular or overtime personnel services costs of the warden service related to enforcement of snowmobile laws;

2. Education and training. Safety or other education programs conducted by the department or authorized by the department that are related to the operation of snowmobiles; or

3. Other related uses. Other purposes, including the purchase of equipment or machinery, determined by the Game Warden Colonel as necessary for effective snowmobile safety and enforcement activities.

Sec. 4. Transfer of funds. Notwithstanding any other provision of law, no later than 30 days after the effective date of this Act, the State Controller shall transfer \$42,000 from the Inland Fisheries and Wildlife carrying balances account to the Snowmobile Enforcement Fund established under the Maine Revised Statutes, Title 12, section 7824-G. Notwithstanding Title 12, section 7824-G, funds transferred under this section may be used by the Bureau of Warden Service only to reimburse the warden service for snowmobile enforcement expenditures by the warden service that were in excess of the amount budgeted by the warden service for snowmobile

enforcement in fiscal year 1996-97. If, after October 1, 1997, the Commissioner of Inland Fisheries and Wildlife and the State Controller agree that the amount transferred under this section is not sufficient to fully reimburse the warden service for those expenditures, the State Controller shall transfer by October 30, 1997 those additional funds identified by the commissioner and the controller as necessary to fully reimburse the warden service for those costs.

Sec. 5. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer an amount equal to the amounts credited pursuant to the Maine Revised Statutes, Title 12, section 7824, subsection 3, paragraph B, subparagraph (1-A) from the carrying balances-inland fisheries and wildlife program in each fiscal year beginning in fiscal year 1997-98 to the General Fund as undedicated revenue.

Sec. 6. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1996-97	1997-98	1998-99
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF Enforcement Operations			
All Other	\$42,000	\$24,536	\$24,536
Provides allocations from the Snowmobile Enforcement Fund to authorize expenditures for snowmobile enforcement activities.			

See title page for effective date.

CHAPTER 514

H.P. 342 - L.D. 464

An Act Regarding Potato Bin Pilers and Refund of Sales Tax

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

Sec. 1. 36 MRSA §2013, sub-§1, ¶C, as repealed and replaced by PL 1993, c. 680, Pt. A, §30, is amended to read:

C. "Depreciable machinery and equipment" means that part of the following machinery and

equipment for which depreciation is allowable under the Code and repair parts for that machinery and equipment:

(1) New or used machinery and equipment for use directly and primarily in commercial agricultural production, including self-propelled vehicles, but excluding motor vehicles as defined in section 1752, subsection 7; attachments and equipment for the production of field and orchard crops; ~~and~~ new or used machinery and equipment for use directly and primarily in production of milk, animal husbandry and production of livestock, including poultry; and new or used machinery and equipment not used directly and primarily in commercial agricultural production, but used exclusively to transport potatoes from a truck into a storage location;

(2) New or used watercraft, nets, traps, cables, tackle and related equipment necessary to and used directly and primarily in the operation of a commercial fishing venture, but excluding motor vehicles as defined in section 1752, subsection 7; or

(3) New or used watercraft, machinery or equipment used directly and primarily for aquacultural production, including, but not limited to: nets; ropes; cables; anchors and anchor weights; shackles and other hardware; buoys; fish tanks; fish totes; oxygen tanks; pumping systems; generators; water-heating systems; boilers and related pumping systems; diving equipment; feeders and related equipment; power-generating equipment; tank water-level sensors; aboveground piping; water-oxygenating systems; fish-grading equipment; safety equipment; and sea cage systems, including walkways and frames, lights, netting, buoys, shackles, ropes, cables, anchors and anchor weights; but excluding motor vehicles as defined in section 1752, subsection 7.

See title page for effective date.

CHAPTER 515

S.P. 196 - L.D. 624

An Act to Expand the Family Medical Leave Laws

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