

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$ 48,000,000
1991	\$ 57,000,000
1992	\$ 65,000,000
1993	\$ 67,000,000
1994	\$ 67,000,000
1995	\$ 67,000,000
1996	\$ 67,000,000
1997	\$ 67,000,000
1998	\$ 67,000,000
1999	\$ 69,000,000
2000	\$ 72,000,000
2001	\$ 74,000,000

A-1. Beginning with the second regular session of the Legislature in fiscal year 1990 and every other year thereafter, on or before March 1st, the commissioner shall recommend to the Legislature and the Legislature shall establish maximum debt service limits for the next biennium for which debt service limits have not been set.

B. Nonstate funded projects, such as school construction projects or portions of projects financed by proceeds from insured losses, money from federal sources, other noneducational funds or local funds which ~~that~~ are not eligible for inclusion in an administrative unit's state-local allocation, ~~shall be~~ are outside the total cost limitations set by the Legislature.

Sec. 14. 30-A MRSA §5953-E, first ¶, as enacted by PL 1997, c. 787, §12, is amended to read:

There is established the Maine School Facilities Finance Program to promote efficient capital financing activities for the construction, renovation and maintenance of school facilities and the ~~leasing and~~ lease-purchase of school facilities.

Sec. 15. 30-A MRSA §6006-E, as enacted by PL 1997, c. 787, §13, is amended to read:

§6006-E. Maine school facilities finance lease-purchase program

In addition to and in furtherance of any other assistance available to a school administrative unit in this chapter, the bank, in cooperation with the Department of Education, shall establish a ~~lease lease-purchase~~ program for buildings to be used by all school administrative units whose school facility ~~lease lease-purchase~~ payments receive reimbursement, subsidy or other payment from the State. For the purposes of this section, a ~~lease lease-purchase~~ program is a system for awarding leases for a school administrative unit pursuant to a competitive bidding process. ~~All proceeds from leases administered by the bank must be held and invested by the bank and paid to the school administrative unit to reimburse incurred costs associated with capital acquisitions, leases or improvements approved by the Department of Education.~~

Sec. 16. 30-A MRSA §6006-F, sub-§3, ¶B, as enacted by PL 1997, c. 787, §13, is amended to read:

B. To make loans to ~~refund bonds or notes of a~~ school administrative unit ~~issued for the purpose of financing any repair to finance expenditures incurred after June 1, 1998 for repairs or renovations authorized under paragraph A and certified under subsection 5, if sold after June 1, 1998;~~

See title page for effective date.

CHAPTER 82

S.P. 285 - L.D. 803

An Act to Increase the Penalties for Violation of Lobster Conservation Laws

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

Sec. 1. 12 MRSA §6431, sub-§7, as enacted by PL 1977, c. 661, §5, is amended to read:

7. Penalty. Possession of lobsters in violation of this section ~~shall be~~ is a Class D crime, except that the court shall impose a fine of ~~\$25~~ \$50 for each violation and, in addition, a fine of ~~\$40~~ \$25 for each lobster involved, up to and including the first 5, and a fine of ~~\$30~~ \$50 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not more than ~~\$1,000~~ \$2,000.

Sec. 2. 12 MRSA §6432, sub-§5, as enacted by PL 1989, c. 413, §1, is amended to read:

5. Penalty for possession. Possession of lobsters other than caught by the method specified in subsection 1 is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of ~~\$25~~ \$50 for each violation and, in addition, a fine of ~~\$30~~ \$100 for each lobster involved.

Sec. 3. 12 MRSA §6436, sub-§5, as enacted by PL 1981, c. 433, §9, is amended to read:

5. Penalty. Possession of lobsters in violation of this section is a Class D crime, except that in addition to any punishment ~~which~~ that may be imposed under Title 17-A, Part 3, the court shall impose a fine of ~~\$25~~ \$50 for each violation and, in addition, a fine of ~~\$30~~ \$100 for each lobster involved that is bearing eggs and a fine of \$50 for each female lobster involved that is marked with a v-notch.

Sec. 4. 12 MRSA §6438-A, sub-§2, as enacted by PL 1995, c. 468, §7, is amended to read:

2. Penalty. A violation of this section is a Class D crime, except that the court shall impose a fine of \$500 for each violation and, in addition, a fine of ~~\$100~~ \$150 for each lobster.

See title page for effective date.

CHAPTER 83

H.P. 323 - L.D. 439

**An Act to Amend the Laws
Governing the Hancock County
Budget Process**

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

Sec. 1. 30-A MRSA §764, as enacted by PL 1991, c. 749, §1, is amended to read:

§764. Public hearing

The Hancock County commissioners shall hold ~~one or more~~ a public ~~hearings~~ hearing on the budget estimate before October 1st and an informational meeting, ~~in conjunction with the budget advisory committee, with the Hancock County legislative delegation on the advisory committee's budget estimates~~ before December 1st. Pursuant to the requirements of section 701, subsection 3, written notice and a copy of the estimates must be sent by mail or delivered in person to each member of the

county legislative delegation at least 10 days before the informational meeting on the annual budget.

See title page for effective date.

CHAPTER 84

H.P. 1025 - L.D. 1436

**An Act to Transfer the Regulatory
Responsibilities of the Arborist
Examining Board to the Department
of Agriculture, Food and Rural
Resources**

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

Sec. 1. 5 MRSA §12004-A, sub-§2, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 2. 7 MRSA §1044-A, first ¶, as amended by PL 1995, c. 435, §1 and affected by §3, is further amended to read:

For the purpose of providing revenues to defray the expense of the inspection and analysis prescribed in this subchapter, the commissioner shall license seed labelers. The commissioner shall prescribe the license application form. License fees established under this subchapter may be collected on other than an annual basis if the license required in this section is issued in conjunction with a nursery operator's license issued under ~~Title 32,~~ section ~~1904~~ 2171.

Sec. 3. 7 MRSA c. 404 is enacted to read:

CHAPTER 404

ARBORIST LICENSING

SUBCHAPTER I

**NURSERY OWNERS AND DEALERS GENER-
ALLY**

§2171. License required; fee; violations

A person, firm or corporation may not engage in or continue in the business of selling or dealing in nursery stock, as defined in section 2211, without first obtaining a license to conduct such business in this State. The State Horticulturist shall prescribe the form of the license. Upon proper application, a license must be issued in the name of the nursery owner or dealer and that license may not be transferred. Each agent and each store acting under a general agent or store must have a license as provided in this section. A license may be issued for a one-year, 2-year or 3-year period. Licenses for a period in excess of one