

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

C. One member representing tackle shop owners; and

D. One member representing the commercial fishing industry.

2. Term. A council member serves for a 3-year term and continues serving until a successor is duly appointed and qualified. An appointed member may not serve for more than 2 consecutive terms. In the case of a vacancy, the commissioner shall fill promptly the vacancy.

3. Quorum. A quorum is a majority of the current members of the council.

4. Chair and officers. The council shall annually elect one of its members to serve as chair for a one-year term. The council may select other officers and designate their duties.

5. Meetings. The council shall meet at least 4 times a year. It may also meet at other times at the call of the chair or the chair's designee or the commissioner or the commissioner's designee.

6. Purpose. The council shall advise the commissioner on activities of the department that relate to marine recreational fishing and shall make recommendations to the commissioner concerning expenditures from the Marine Recreation Fishing Conservation and Management Fund for the purposes described in section 6032. The council may investigate problems affecting marine recreational fishing and make recommendations to the commissioner and the Marine Resources Advisory Council concerning its investigations. The council may review current recreational fishing research programs and plans for research and submit to the commissioner and the Marine Resources Advisory Council, annually, its recommendations on those programs and plans.

Sec. 5. Transition. The Commissioner of Marine Resources shall make all appointments necessary under this Act not later than 90 days following the effective date of this Act. Notwithstanding the Maine Revised Statutes, Title 12, section 6033, subsection 2, the commissioner shall make initial appointments to the Marine Recreational Fishing Advisory Council so that 3 members serve for one year, 3 members serve for 2 years and 3 members serve for 3 years.

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

1999-00	2000-01
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MARINE RESOURCES,
DEPARTMENT OF

Bureau of Resource Management

All Other	\$500	\$500
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Provides for the allocation of funds from the Marine Recreation Fishing Conservation and Management Fund to support activities related to the management and development of marine recreational fisheries.

See title page for effective date.

CHAPTER 86

H.P. 853 - L.D. 1210

An Act to Amend the Site Evaluator Licensing Laws

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

Sec. 1. 22 MRSA §42, sub-§3-A, as amended by PL 1985, c. 612, §2, is further amended to read:

3-A. Licensing of persons to evaluate soils for subsurface wastewater disposal systems. The department shall adopt rules providing for professional qualification and competence, ethical standards, licensing and relicensing and revocation of licenses of persons to evaluate soils for the purpose of designing subsurface ~~waste-water~~ wastewater disposal systems. The hearings provided for in subsection 3 ~~shall~~ must include consideration of the adoption or change of those rules.

The department shall investigate or cause to be investigated all cases or complaints of noncompliance with or violations of this section and the rules adopted pursuant to this section. The department has the authority to grant or amend, modify or refuse to issue or renew a license in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter V. The Administrative Court ~~shall have~~ has the exclusive jurisdiction to suspend or revoke the license of any person who is found guilty of non-compliance with or violation of the rules adopted pursuant to this subsection or subsection 3.

The department may charge applicants no more than ~~\$60~~ \$100 for examination to become a licensed site evaluator. The department shall by rule charge a biennial site evaluator license fee of ~~\$40~~ not more than \$150. A licensed site evaluator who is employed by the department to administer this section and does not

practice for the public is exempt from the licensee fee requirement. Appropriate rules ~~shall~~ must be adopted by the department defining the appropriate financial procedure. The fees ~~shall be~~ are paid to the Treasurer of State to be maintained as a permanent fund and used by the department for carrying out its plumbing and subsurface ~~waste water~~ wastewater disposal rules and site evaluation program.

See title page for effective date.

CHAPTER 87

H.P. 325 - L.D. 441

An Act to Excuse Elections Staff from Jury Duty When Needed to Perform Election Functions

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

Sec. 1. 14 MRSA §1213, as repealed and replaced by PL 1981, c. 705, Pt. G, §6, is repealed and the following enacted in its place:

§1213. Excuses from jury service

1. Determination. Upon request of a prospective juror, the presiding justice or the clerk of court acting under the supervision of the presiding justice shall determine whether the prospective juror is excused from jury service. The determination must be made on the basis of information provided on the juror qualification form, supplemented by other competent evidence when considered necessary to the determination.

2. Basis for excuse. A qualified prospective juror may be excused from jury service only upon a showing of undue hardship, extreme inconvenience, public necessity or inability to render satisfactory jury service because of physical or mental disability.

A. A person claiming to be excused on the grounds of disability may be required to submit a physician's certificate or accredited Christian Science practitioner's certificate. The certifying physician or Christian Science practitioner is subject to inquiry by the court at its discretion.

B. Municipal election officials, as defined in Title 21-A, section 1, subsection 14, are excused from serving on a jury on the day of an election. State election officials and municipal clerks and registrars and their employees are excused from serving on a jury for 31 days prior to an election.

3. Extent of excuse; record. Depending upon the circumstances, a juror may be finally excused from

jury service, be required to serve at a later specific time or be required to serve for a period of time less than the usual 15 court days. The clerk shall enter the determination regarding the requested excuse and the reason for the determination in the appropriate record kept for that purpose.

See title page for effective date.

CHAPTER 88

S.P. 313 - L.D. 947

An Act to Clarify Certain Liens

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

Sec. 1. 10 MRSA §3802, as amended by PL 1991, c. 225, is repealed and the following enacted in its place:

§3802. Filing in office of Secretary of State; inaccuracy does not invalidate lien

1. Filing. A lien described in section 3801 is dissolved unless the claimant files the following documents in the office of the Secretary of State within 90 days after providing the labor, storage or materials:

A. A financing statement in the form approved by the Secretary of State; and

B. A notarized statement that includes an accurate description of the property manufactured or repaired; the name of the owner, if known; and the amount due the claimant for the labor, materials or storage, with any amount paid on account.

2. Fees. The fee for filing a lien under this section is the same as under Title 11, section 9-403, subsection (5).

3. Inaccuracy. An inaccuracy in the notarized statement does not invalidate the proceedings unless it appears that the claimant willfully overstated the amount due.

See title page for effective date.

CHAPTER 89

H.P. 667 - L.D. 923

An Act to Extend the Penobscot County Budget Committee