

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
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the progress of any experimental vehicle evaluations and contain recommendations, if any, for legislation leading to their eventual general use on the highway system. If during the previous biennium there has been no activity relating to the evaluation and permitting of experimental vehicles, the reporting requirement is waived.

PART I

Sec. I-1. 6 MRSA §302, sub-§4, ¶A, as enacted by PL 1977, c. 678, §48, is amended to read:

A. The board shall advise the department on matters relating to aeronautics and ~~shall submit to the commissioner an annual report which shall include~~ recommendations for change to the aeronautical laws and comments upon the present and future needs of that service. ~~Written reports and comments shall be available to the public.~~

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

Effective May 11, 1999.

CHAPTER 153

H.P. 435 - L.D. 577

An Act to Allow Noncommercial Whitewater Rafting Clubs to Submit Names of Dues-paying Members Only

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

Sec. 1. 12 MRSA §7365-A, sub-§2, ¶A, as enacted by PL 1995, c. 626, §1, is amended to read:

A. A list that includes the name, legal residence and home telephone number of each dues-paying member of the club. That list must identify a member as the president of the club and must identify any other officers or board members of the club. An officer or a board member of the club may not be a commercial whitewater outfitter or a licensed whitewater guide. The commissioner may not accept more than one amended membership list from a club ~~in any calendar year between April 1st and November 1st. Only those persons whose names appear on a list filed under this paragraph may participate in a rafting trip of that club on any rapidly flowing river;~~

Sec. 2. Report to the Legislature. By January 15, 2001, the Department of Inland Fisheries

and Wildlife shall submit a report to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters regarding the impact of this Act on other commercial and noncommercial whitewater rafting organizations and outfitters. This report shall identify any safety or overcrowding issues or concerns, including any complaints relating to lost business by commercial outfitters.

See title page for effective date.

CHAPTER 154

H.P. 981 - L.D. 1379

An Act Regarding Municipal Firearm Discharge Ordinances

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

Sec. 1. 30-A MRSA §3007, sub-§5, as enacted by PL 1995, c. 266, §1, is amended to read:

5. Firearms and bows and arrows. After January 1, 2000, a municipality that adopts or amends a firearm discharge ordinance shall provide the Commissioner of Inland Fisheries and Wildlife with a copy of the new or amended firearm discharge ordinance and a copy of any maps that show the areas in the municipality affected by the new or amended ordinance within 30 days from the date that the ordinance is enacted or amended. Municipalities A municipality may not include bows and arrows in any firearms discharge ordinances ordinance.

See title page for effective date.

CHAPTER 155

H.P. 1362 - L.D. 1960

An Act to Change the Names of Divisions within the Bureau of Forestry to More Accurately Reflect the Roles and Duties of Those Divisions

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

PART A

Sec. A-1. 5 MRSA §7-B, as repealed and replaced by PL 1993, c. 349, §4 and amended by PL 1995, c. 502, Pt. E, §30, is further amended to read:

§7-B. Use of state vehicles for commuting

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; Bureau of Liquor Enforcement; Bureau of Motor Vehicles; Bureau of Marine Patrol; Bureau of Forestry, Division of Forest ~~Fire Control~~ Protection; Bureau of Warden Service; and Bureau of Parks and Lands.

Sec. A-2. 12 MRSA §8003, sub-§3, ¶M, as amended by PL 1997, c. 536, §1, is further amended to read:

M. Except for lands acquired under the authority of paragraph N, the director is authorized, with the consent of the commissioner, to sell, grant, lease, transfer or otherwise convey any real or personal property under the jurisdiction of the bureau. The director shall deposit the proceeds from the sale or lease of property ~~in Forest Fire Control Accounts~~ into the Division of Forest Protection Account. At least 60 days prior to offering any surplus property for sale under this paragraph, the director shall notify the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over forest resources of the director's intent to sell the property.

Sec. A-3. 12 MRSA §8003, sub-§3, ¶M-1, as enacted by PL 1997, c. 536, §2, is amended to read:

M-1. The proceeds under paragraph M may be used only to upgrade existing structures owned by the Division of Forest ~~Fire Control~~ Protection, to consolidate operations of the division through the improvement, repair, replacement, purchase or construction of structures and to purchase land upon which to build structures. Ownership of any land purchased under this paragraph or structures purchased or constructed under this paragraph must be held in the name of the division. Ownership of land or property purchased under this paragraph may also be held in the name of the Bureau of General Services when the division participates in the consolidation of facilities with other state agencies. Any purchase of land or a structure pursuant to this paragraph must be approved by the Director of the Bureau of General Services.

Sec. A-4. 12 MRSA §8901, sub-§1, as repealed and replaced by PL 1987, c. 769, Pt. A, §51, is amended to read:

1. Appointment. The Director of the Bureau of Forestry shall appoint forest rangers, subject to the

Civil Service Law and the State Supervisor, ~~Forest Fire Operations~~ Division of Forest Protection. Rangers assigned to posts at Clayton Lake, St. Pamphile, Estcourt Station, Daaquam, Musquacook Lake, Snare Brook and Baker Lake must be bilingual in French and English.

Sec. A-5. 16 MRSA §614, sub-§1, as amended by PL 1995, c. 135, §1, is further amended by amending the first paragraph to read:

1. Limitation on dissemination of intelligence and investigative information. Reports or records that contain intelligence and investigative information and that are prepared by, prepared at the direction of or kept in the custody of a local, county or district criminal justice agency; the Bureau of State Police; the Department of the Attorney General; the Maine Drug Enforcement Agency; the Office of State Fire Marshal; the Department of Corrections; the criminal law enforcement units of the Department of Marine Resources or the Department of Inland Fisheries and Wildlife; or the Department of Conservation, ~~Forest Fire Control Division~~ Division of Forest Protection when the reports or records pertain to arson are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would:

PART B

Sec. B-1. Department of Conservation; rename division. The following division is renamed as follows: "Division of Forest Fire Control" is renamed the "Division of Forest Protection."

Sec. B-2. Department of Conservation; rename division. The following division is renamed as follows: "Division of Insect and Disease Management" is renamed the "Division of Forest Health and Monitoring."

See title page for effective date.

CHAPTER 156

H.P. 793 - L.D. 1116

An Act to Clarify Minimum Size Standards for Marine Species under Aquaculture

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

Whereas, under current law, the Maine Salmon Aquaculture Advisory Council and the Salmon Aquaculture Monitoring, Research and Development