

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

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.

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## 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

Fund are scheduled to be repealed on July 1, 1999; and

**Whereas**, this legislation repeals those repeal dates; 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. 12 MRSA §6073-A**, as enacted by PL 1991, c. 381, §5, is amended to read:

**§6073-A. Minimum size exemption; aquaculture**

The holder of a lease issued under section 6072, 6072-A or 6072-B is exempt from any requirement regarding the minimum or maximum length or other minimum or maximum size requirement for ~~fish~~ any marine organism cultivated on the leased area. The exemption applies only to those organisms actually cultivated on the leased area. The commissioner shall require a system of identification of organisms exempted under this section.

**Sec. 2. 12 MRSA §6074, sub-§1, ¶A**, as repealed and replaced by PL 1983, c. 662, §2, is repealed.

**Sec. 3. 12 MRSA §6074, sub-§1, ¶B** is enacted to read:

B. Any species grown in a hatchery for stock enhancement or resale for purposes of cultivation or stock enhancement.

**Sec. 4. 12 MRSA §6078, sub-§9**, as amended by PL 1997, c. 189, §1, is repealed.

**Sec. 5. 12 MRSA §6080, sub-§6**, as amended by PL 1997, c. 189, §2, is repealed.

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

Effective May 12, 1999.

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**CHAPTER 157**

**S.P. 383 - L.D. 1162**

**An Act to Require Legislative Review of Rules Regarding Campaign Report Filing Forms**

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

**Sec. 1. 21-A MRSA §1017, sub-§6**, as amended by PL 1991, c. 839, §19 and affected by §34, is further amended to read:

**6. Forms.** Reports required by this section must be on forms prescribed, prepared and sent by the commission to the treasurer of each registered candidate at least 7 days before the filing date for the report. Persons filing reports may use additional pages if necessary, but the pages must be the same size as the pages of the form. Although the commission mails the forms for required reports, failure to receive forms by mail does not excuse treasurers, committees and other persons who must file reports from otherwise obtaining the forms.

Rules of the commission establishing campaign report filing forms for candidates are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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**CHAPTER 158**

**S.P. 439 - L.D. 1276**

**An Act Relating to Utilities and Affiliated Interests**

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

**Sec. 1. 35-A MRSA §713**, as enacted by PL 1997, c. 237, §2, is amended to read:

**§713. Unregulated business ventures of utilities**

A utility may not charge its ratepayers for costs attributable to unregulated business ventures undertaken by the utility or an affiliated interest. The commission shall allocate, between a utility's shareholders and ratepayers, costs for facilities, services or intangibles, including good will or use of a brand name, that are shared between regulated and unregulated business activities. The commission shall also attempt to ensure that the utility or the affiliated interest does not have an ~~undue unfair~~ advantage in any competitive market as a result of its regulated status or its affiliation with a regulated utility.

Complaints by entities competing with a utility or an affiliated interest in an unregulated market, alleging that the utility or affiliated interest has an ~~undue competitive advantage as a result of any relationship with the parent or affiliated regulated utility~~ must be adjudicated by the commission. The commission shall render a decision on any complaint