

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

~~\$200,000 per year.~~ The department shall deposit funds collected under this section into a dedicated revenue account. Funds remaining in the account at the end of each fiscal year do not lapse but carry forward into subsequent years. Funds deposited into the account must be allocated to carry out the purposes of this chapter.

Sec. 2. Retroactivity. This Act applies retroactively to July 1, 1998.

See title page for effective date.

CHAPTER 307

S.P. 755 - L.D. 2131

An Act to Ensure that Agency Use of Collaborative Decision-making and Stakeholder Processes is Fair and Consistent with the Goals of the Maine Administrative Procedure Act

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

Sec. 1. 5 MRSA §8002, sub-§3-C is enacted to read:

3-C. Consensus-based rule development process. "Consensus-based rule development process" means a collaborative process when a draft rule is developed by an agency and a representative group of participants with an interest in the subject of the rulemaking.

Sec. 2. 5 MRSA §8051-B is enacted to read:

§8051-B. Consensus-based rule development process

1. Agency authority. An agency may voluntarily engage in a consensus-based rule development process. An agency that develops a draft rule through a consensus-based rule development process retains the sole discretion over whether to submit the rule as a proposed rule and as to the final language of the proposed rule.

2. Initial considerations. As part of a consensus-based rule development process, an agency shall:

A. Establish a representative group of participants with an interest in the subject of the rule-making;

B. Develop ground rules for the operation of the consensus-based rule development process that are mutually acceptable to the agency and the participants;

C. Disclose the funding and time constraints on the agency;

D. Give prior notice of all meetings to the representative group of participants and establish a mechanism for other interested parties to receive notice and information regarding all meetings;

E. Select an agency employee or another individual contracted by the agency to chair or facilitate the meetings; and

F. Distribute a summary and submitted materials from all meetings to the representative group of participants and other interested parties.

3. Record. An agency that engages in a consensus-based rule development process that results in a proposed rule shall maintain:

A. A list of all meetings held, the participants at each meeting and the interests or organizations they represented;

B. A summary of each of the meetings; and

C. A description by the agency of the consensus-based rule development process and an analysis of the decisions that came out of that process, including the extent to which consensus was reached on the decisions.

4. Judicial review. An agency action to engage in or terminate a consensus-based rule development process is not subject to judicial review. This section does not bar judicial review of a rule finally adopted by an agency following a consensus-based rule development process if such a review is otherwise available by law as long as the basis for review is other than procedural error in the consensus-based rule development process.

Sec. 3. 5 MRSA §8060, sub-§1, ¶A, as enacted by PL 1989, c. 547, §8, is amended to read:

A. A list of rules that the agency expects to propose prior to the next regulatory agenda due date and whether the agency anticipates engaging in any consensus-based rule development process;

Sec. 4. Department of Labor to develop best practices guidelines. By April 15, 2000, the Department of Labor shall convene a working group consisting of representatives of state agencies that routinely employ consensus-based rule development processes and a representative of an organization representing dispute resolution professionals. The working group shall develop best practices guidelines

to assist agencies in the creation and utilization of consensus-based rule development processes.

See title page for effective date.

CHAPTER 308

H.P. 1462 - L.D. 2094

An Act to Change the Fine for Speeding in a School Zone

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

Sec. 1. 29-A MRSA §2074, sub-§3-B is enacted to read:

3-B. Fine doubled. The penalty for a violation of subsection 1, paragraph A is twice the amount of the fine designated in accordance with Title 4, section 164, subsection 12 for a speeding violation under section 2073 involving a similar excessive rate of speed.

See title page for effective date.

CHAPTER 309

H.P. 1544 - L.D. 2198

An Act to Fund the Costs Associated with Determining Eligibility for Certain Marine Resources Licenses

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

Sec. 1. 12 MRSA §6431-C, sub-§2, as enacted by PL 1995, c. 468, §5, is amended to read:

2. Purpose. All money credited to the Lobster Management Fund must be used to cover the costs of trap tags and the administration and enforcement of a lobster trap tag system under section 6431-B ~~and~~, the costs associated with lobster management policy councils and referenda pursuant to section 6447 and the costs associated with determining eligibility for lobster and crab fishing licenses and eligibility to fish for or take lobsters from a vessel.

Sec. 2. 12 MRSA §6505-D, sub-§2, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

2. Permissible uses. The commissioner may use the fund in accordance with a plan required under subsection 3 to research and manage the State's eel and elver resources ~~and~~, to enforce the laws related to

eels and elvers and to cover the costs associated with determining eligibility for elver fishing licenses.

Sec. 3. 12 MRSA §6749-R, sub-§1, as amended by PL 1997, c. 685, §6, is further amended to read:

1. Uses of the fund. The commissioner shall use the fund for research directly related to sea urchin fishery management information needs and for reporting to licensed sea urchin harvesters, boat tenders, processors and buyers on the results of research and the use of fund revenues. The purpose of that research must be to determine, with the highest reliability possible given available resources, the greatest level of effort that may be applied to the sea urchin fishery without harming the long-term economic and biological sustainability of the sea urchin fishery. The commissioner shall consult with the Sea Urchin Zone Council under section 6749-X before deciding upon research projects and awarding grants from the fund. The fund may also be used to cover the costs associated with determining eligibility for licenses under this subchapter and for personnel services for enforcement. Up to 30% of allotted revenues may be used for personnel services for enforcement purposes.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1999-00	2000-01
MARINE RESOURCES, DEPARTMENT OF		
Division of Administrative Services		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$35,554	\$49,281
All Other	2,175	
TOTAL	\$37,729	\$49,281
Allocates funds for the Lobster Management Fund's and the Eel and Elver Management Fund's share of one additional Senior Planner position and operating costs necessary to determine eligibility to participate in the lobster fishery and the elver fishery.		
Bureau of Resource Management		
Personal Services	\$1,871	\$2,594