

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

1999-00

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Land and Water Quality

Personal Services	\$15,273
All Other	23,000

Appropriates funds to establish one Environmental Specialist III project position for 4 months to develop proposed rules and mercury pollution prevention plans, to provide funding for certain baseline testing and to provide funding for necessary training.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

TOTAL \$38,273

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

Effective June 11, 1999.

CHAPTER 501

S.P. 392 - L.D. 1171

An Act to Provide for Management of the Harvest of Seaweed

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

Sec. 1. 12 MRSA §6803, sub-§1, as enacted by PL 1989, c. 523, §2, is amended to read:

1. Permit required. It is unlawful for any person to harvest, possess, ship, transport or sell seaweed without a current seaweed permit ~~or supplemental seaweed permit.~~ ~~—~~ As, except that an employee or immediate relation of a seaweed permit holder may harvest, possess, ~~ship, or transport or sell~~ seaweed for commercial purposes with a supplemental seaweed permit.

Sec. 2. 12 MRSA §6803, sub-§3, as amended by PL 1991, c. 591, Pt. T, §13, is further amended to read:

3. Fees. The fee schedule for seaweed permits is as follows:

- A. ~~Ten~~ Fifty dollars for a resident seaweed permit;
- B. ~~Eighty-four~~ Two hundred dollars for a non-resident seaweed permit; ~~and~~
- C. ~~Three~~ Twenty-five dollars for a resident supplemental seaweed permit; ~~and~~
- D. Fifty dollars for a nonresident supplemental seaweed permit.

Sec. 3. 12 MRSA §6803, sub-§4 is enacted to read:

4. Disposition of fees. All fees collected under this section accrue to the Seaweed Management Fund established in section 6804.

Sec. 4. 12 MRSA §§6804 and 6805 are enacted to read:

§6804. Seaweed Management Fund

1. Fund established. The Seaweed Management Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund.

2. Permissible uses. The commissioner shall use the fund in accordance with a plan required under subsection 3 to research and manage the State's seaweed resources and to enforce the laws and rules related to seaweed.

3. Plan required. Beginning in calendar year 2000, the commissioner shall by May 1st of each year present a plan for expenditures from the fund for the next fiscal year to the joint standing committee of the Legislature having jurisdiction over marine resource matters. When developing the plan, the commissioner shall consult with harvesters and seaweed dealers.

§6805. Seaweed harvesting rules

The commissioner may adopt rules regulating the harvest of seaweed on a species-specific basis, including, but not limited to, the total number of licenses that may be issued, the designation of a harvesting season or seasons, the quantity of the resource that may be harvested in a season, areas that may be open or closed to harvest and gear and techniques that may be used in harvesting. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 5. Report; legislation. The Commissioner of Marine Resources shall submit a report by December 31, 1999 to the Joint Standing Committee on Marine Resources regarding seaweed permits and

the Seaweed Management Fund. The report must include recommendations on the license and fee structures for seaweed permits and other potential sources of revenue to fund research on the State's seaweed resources.

The Joint Standing Committee on Marine Resources is authorized to report out legislation regarding seaweed permits and the Seaweed Management Fund to the Second Regular Session of the 119th Legislature.

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
MARINE RESOURCES, DEPARTMENT OF		
Bureau of Resource Management		
All Other	\$9,050	\$12,050
Provides for the allocation of funds to be used to research and manage seaweed resources and to enforce laws and rules related to seaweed.		

See title page for effective date.

CHAPTER 502

S.P. 534 - L.D. 1596

An Act to Clarify the Sales Tax Exemption for Food Service in Educational Institutions

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

Sec. 1. 36 MRSA §1760, sub-§6, ¶C, as amended by PL 1991, c. 846, §19, is further amended to read:

C. By hospitals, schools, long-term care facilities, food contractors and restaurants to incorporated nonprofit area agencies on aging for the purpose of providing meals to the elderly; ~~and~~

Sec. 2. 36 MRSA §1760, sub-§6, ¶D, as amended by PL 1991, c. 846, §20, is amended to read:

D. To residents of incorporated nonprofit church-affiliated congregate housing facilities for the elderly in which at least 75% of the units

are available for leasing to eligible lower-income residents; ~~and~~

Sec. 3. 36 MRSA §1760, sub-§6, ¶E is enacted to read:

E. Served by colleges to employees of the college when the meals are purchased with debit cards issued by the colleges.

See title page for effective date.

CHAPTER 503

H.P. 1076 - L.D. 1523

An Act to Amend Criminal Law Procedures Regarding Defendants Found Incompetent to Stand Trial

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

Sec. 1. 15 MRSA §101-B, sub-§4, ¶A, as corrected by RR 1995, c. 2, §26, is amended to read:

A. Commit the defendant to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. ~~The commitment may not exceed one year in duration.~~ At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the State Forensic Service shall forward a report to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services relative to the defendant's competence to stand trial and its reasons therefor. The commissioner shall without delay file the report with the court having jurisdiction of the case. The court shall without delay set a date for and hold a hearing on the question of the defendant's competence to stand trial and shall receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. If the defendant is charged with an offense under Title 17-A, chapter 9, 11 or 13 or Title 17-A, section 506-A, 802 or 803, and the court determines that the defendant is not competent to stand trial and there does not exist a