

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

B. Is authorized as a new zone entrant by the commissioner pursuant to subsection 7 to declare that zone as the person's declared lobster zone.

5. Application for limited-entry zone. A person who wishes to declare a limited-entry zone as that person's declared lobster zone shall indicate on that person's application for a Class I, Class II or Class III lobster and crab fishing license between October 15th and December 15th of the previous licensing year a request to declare that zone as the person's declared lobster zone. A person may indicate up to 2 limited-entry zones that the person requests to declare as the person's declared lobster zone. The commissioner shall stamp each lobster and crab fishing license application that contains such a request with the time and date of submission.

6. Public waiting list. The commissioner shall maintain and make available a waiting list in chronological order of people who have requested to declare a limited-entry zone as their declared lobster zone.

7. Authorization of new zone entrants. The commissioner shall determine by February 1st of each licensing year the number of new zone entrants that may be authorized for each limited-entry zone. The number of new zone entrants authorized in a licensing year must be in accordance with the exit ratio established under subsection 2 for that zone. The commissioner shall authorize new zone entrants in chronological order of requests received under subsection 5. The commissioner shall notify the authorized new zone entrants by certified mail. If a person does not declare a zone within 30 days after receiving the notification by certified mail, that person must be taken off the waiting list and the next person on the list must be authorized as a new zone entrant. If a person has indicated a request for more than one zone pursuant to subsection 5, that person must be taken off the waiting list for the 2nd zone when the person declares one of the zones as that person's declared lobster zone after being authorized to do so.

8. Exception. Notwithstanding subsection 4, a person who holds a Class I lobster and crab fishing license and who is under 18 years of age or is 70 years of age or older may declare any zone as that person's declared lobster zone.

9. Rules. The commissioner may establish by rule procedures to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 509

S.P. 770 - L.D. 2168

An Act to Implement the Recommendations of the State Compensation Commission

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

Sec. 1. 3 MRSA §2, first ¶, as amended by PL 1991, c. 4, is further amended to read:

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December ~~1990~~ 2000 and thereafter, is entitled to ~~\$10,500~~ \$10,815 in the first year and ~~\$7,500~~ \$7,725 in the 2nd year of each biennium, except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to ~~\$9,000~~ \$9,270 in each year of the biennium. Each member of the Senate and the House of Representatives must receive a cost-of-living adjustment in annual legislative salary, except that the percentage increase may not exceed 5% in any year. Beginning December 1, 2001, the salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year. In addition, each Legislator is entitled to be paid for travel at each legislative session once each week at the same rate per mile to and from that Legislator's place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike ~~provided~~ as long as they have a receipt for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and ~~such those~~ those amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end ~~thereof~~ of the session.

Sec. 2. 3 MRSA §2, 3rd ¶, as amended by PL 1997, c. 309, §1, is further amended to read:

Except as provided in this section, each member of the Senate and House of Representatives is entitled to a meal allowance in the amount of \$32 and a housing allowance in the amount of \$38 for each day in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding

or immediately following attendance at daily sessions of the Legislature. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required. In lieu of the meal and housing allowance, each member is entitled to a daily meal allowance in the amount of \$32 and actual daily mileage allowances in an amount up to but not exceeding \$38 per day. Each member of the Senate also receives an annual allowance for constituent services in the amount of ~~\$1,000~~ ~~\$2,000~~, ~~\$650~~ \$1,300 at the start of each regular session and ~~\$350~~ \$700 in the month following adjournment of the regular session. Each member of the House of Representatives also receives an annual allowance for constituent services in the amount of ~~\$750~~ \$1,500, ~~\$500~~ \$1,005 at the start of each regular session and ~~\$250~~ \$495 in the month following adjournment of the regular session.

Sec. 3. Report. The Joint Standing Committee on State and Local Government is authorized to report out legislation on the recommendations of the State Compensation Commission in the Second Regular Session of the 119th Legislature.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

LEGISLATURE

Legislature

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|---|----------|
| Personal Services | \$63,523 |
| All Other | 100,015 |
| Provides funds for the costs related to the increased salary and constituent service allowance for Legislators. | |

LEGISLATURE

TOTAL \$163,538

See title page for effective date.

CHAPTER 510

H.P. 1605 - L.D. 2252

An Act to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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. 4 MRSA §157, sub-§1, ¶A, as amended by PL 1997, c. 10, §1, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court ~~27~~ 31 judges. At least one judge must be appointed from each district who is a resident of a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief Judge.

Sec. 2. 10 MRSA §1320, sub-§2-B, as repealed by PL 1999, c. 150, §9 and amended by c. 184, §11, is repealed.

Sec. 3. 15 MRSA §101-B, sub-§1, as amended by PL 1999, c. 373, §1, is further amended to read:

1. Court order; permissive. The District Court or the Superior Court having jurisdiction in any