

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

All Other \$12,000

Provides an allocation to authorize the expenditure of private funds received by the Capitol Planning Commission to establish a Civilian Conservation Corps memorial.

See title page for effective date.

CHAPTER 748

H.P. 1816 - L.D. 2549

An Act to Implement Recommendations Concerning Protection of Indian Archaeological Sites

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

Sec. 1. 27 MRSA §373-A, sub-§8, as amended by PL 1981, c. 568, §§1 to 3, is further amended to read:

8. Site. "Site" means an area containing archaeological artifacts or materials or other evidence of habitation, occupation or other use by historic or prehistoric people, and which is either:

A. On or under state-controlled land and is:

(1) Listed in the National Register of Historic Places or judged eligible for national register listing by the Maine Historic Preservation Commission and, if the area is judged eligible for listing, the site designation is approved by the appropriate land managing agency director or local governing body; and

(2) Posted;

B. The subject of a preservation agreement between the landowner or landowners and the Maine Historic Preservation Commission, pursuant to Title 33, section 1551 and is:

(1) Listed in the National Register of Historic Places; and

(2) Posted; or

C. Subject to section 378.

Sec. 2. 27 MRSA §375, sub-§2, as amended by PL 1989, c. 171, §2, is further amended to read:

2. Penalty. ~~Violation~~ Notwithstanding Title 17-A, sections 4-A and 1301, a violation of this chapter is a civil violation Class E crime for which a forfeiture fine of not less than \$50 nor more than \$1,000 shall \$250 must be adjudged. The unlawful excavation for any one day ~~shall constitute~~ constitutes a separate violation. The court also may order the defendant to pay an amount equal to the reasonable cost of a proper archaeological excavation had the area that was unlawfully excavated been properly excavated. The Director of the Maine Historic Preservation Commission, in the name of the people of this State through the Attorney General, may in addition to other remedies provided bring an action for an injunction seeking one or more of the following remedies:

A. To restrain a violation of this chapter; or

B. To enjoin future unlawful excavation; ~~or~~

~~C. To direct the violator to restore the site to the condition that existed prior to the unlawful excavation or to ameliorate the effects of the unlawful excavation.~~

Sec. 3. 27 MRSA §378, as amended by PL 1995, c. 146, §2, is further amended to read:

§378. Emergency site designation

In the case of an area containing archaeological materials or artifacts that is directly threatened with unauthorized excavation, the Director of the Maine Historic Preservation Commission, with the written permission of the landowner, may designate the area as a site that is subject to this chapter for a period not to exceed ~~one year~~ 10 years. The director and the landowner shall specify in writing the area that is subject to this chapter. All sites given emergency designation under this section must be posted against unauthorized excavation. ~~Notice of the designation must be filed with the registrar of deeds in the county in which the site is located.~~

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

2000-01

MAINE HISTORIC PRESERVATION COMMISSION

Historic Preservation Commission

Personal Services	\$5,000
All Other	10,000

TOTAL \$15,000

Provides one-time funding for increased monitoring of archaeological sites. Five thousand dollars funds a part-time monitoring coordinator using existing part-time project personnel. The balance funds site monitors including professional archaeologists and volunteers who are reimbursed for expenses.

Historic Preservation Commission

All Other \$5,000

Provides one-time funding for law enforcement investigation costs relating to incidents involving archaeological sites and for the development and delivery of training materials for law enforcement officers.

MAINE HISTORIC PRESERVATION COMMISSION TOTAL

\$20,000

See title page for effective date.

CHAPTER 749

S.P. 62 - L.D. 132

An Act to Make Changes to the Maine Rainy Day Fund

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

Sec. 1. 5 MRSA §1513, sub-§1, as amended by PL 1999, c. 401, Pt. GGG, §1 and affected by §2, is further amended to read:

1. Maine Rainy Day Fund. ~~The As the first priority before any other transfer, the~~ State Controller shall at the close of each fiscal year ~~transfer reserve from the unappropriated surplus of the General Fund to the Maine Rainy Day Fund an equal amount to~~ 1/2 the excess of total General Fund revenues received over accepted estimates in that fiscal year ~~and transfer that amount to the Maine Rainy Day Fund at the beginning of the next fiscal year.~~ Accepted revenue

estimate may not be increased after adjournment of each First Regular Session of the Legislature except as provided. For the first year of the biennium, revenue estimates for the 2nd year of the biennium may be adjusted once during the Second Regular Session of the Legislature. Accepted revenue estimates may be increased for other fiscal periods only if an amount not to exceed 1/2 of the increase is transferred by the State Controller to the Rainy Day Fund at the same time from the unappropriated surplus of the General Fund. The fund may not exceed 6% of the total General Fund revenues received in the immediately preceding fiscal year and may not lapse, but remain in a continuing carrying account to carry out the purposes of this section. A reduction in the fund is not necessary in the event the total General Fund revenues received in the immediately preceding fiscal year are less than the total General Fund revenues received in the fiscal year 2 years previous and if the fund is at its 6% limit.

Sec. 2. 5 MRSA §1513, sub-§3-A is enacted to read:

3-A. Investment proceeds; exception. At the close of every month during which the Maine Rainy Day Fund is at the 6% limitation described in subsection 1, the State Controller shall transfer from the General Fund to the Retirement Allowance Fund established in section 17251 an amount equivalent to the investment earnings that otherwise would have been credited to the Maine Rainy Day Fund.

Sec. 3. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 5, section 1513, subsection 3-A takes effect July 1, 2003.

See title page for effective date, unless otherwise indicated.

CHAPTER 750

H.P. 729 - L.D. 1019

An Act to Limit Mandatory Overtime

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

Sec. 1. 26 MRSA §603 is enacted to read:

§603. Limits on mandatory overtime

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employer" means all private and public employers, including the State and political subdivisions of the State.