

# 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**

2040 - County Copier Contractual Services	1,800
2045 - Program Grants Contractual Services: KCVCOG	3,000
Soil and Water	3,500
2050 - Insurance Contractual Services	111,000
2075 - Property Improvement Capital Expenditures	87,490
2080 - Contingency	40,000
2090 - Miscellaneous Contractual Services: Association Dues	550
<b>TOTAL GENERAL FUND</b>	<b>\$7,888,363</b>

; and be it further

**Sec. 3. Summary. Resolved:** That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1999. The following is a summary of revenues and appropriations:

Total Appropriations	\$7,888,363
Available Credits:	
Estimated Revenue	\$1,366,977
Community Corrections	974,987
Surplus Transfer	404,490
Total Available Credits	2,746,454
Amount to be Raised by Taxation	\$5,141,909

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

Effective May 10, 1999.

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**CHAPTER 21**

**H.P. 636 - L.D. 886**

**Resolve, to Study Lobster Hatcheries**

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

**Whereas,** it is a goal of the State to enhance the lobster population and ensure a sustainable lobster fishery; and

**Whereas,** it is in the interest of the State to study the feasibility and cost of establishing lobster hatcheries; and

**Whereas,** a study must be initiated promptly in order that the study may be completed and a report submitted in time for the next legislative session; 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

**Sec. 1. Committee established. Resolved:** That the Committee to Study the Establishment of Lobster Hatcheries, referred to in this resolve as the "committee," is established; and be it further

**Sec. 2. Membership; appointments; chair. Resolved:** That the committee consists of 10 members appointed as follows:

1. Seven members representing each of the lobster management zones established under the Maine Revised Statutes, Title 12, section 6446, appointed by the lobster management policy council established for the zone;
2. One member representing the Department of Marine Resources;
3. One scientist, appointed by the Commissioner of Marine Resources. The commissioner shall consider recommendations made by the Lobster Advisory Council; and
4. One public member, appointed by the Commissioner of Marine Resources.

All appointments must be made no later than 30 days following the effective date of this resolve. The committee shall select a chair at its first meeting; and be it further

**Sec. 3. Meetings. Resolved:** That the Commissioner of Marine Resources shall call and convene the first meeting of the committee no later than June 15, 1999. The committee shall notify the members of the Joint Standing Committee on Marine Resources of each meeting; and be it further

**Sec. 4. Duties. Resolved:** That the committee shall gather available data and studies relating to lobster hatcheries and examine the feasibility and cost of establishing lobster hatcheries in the State. The committee shall submit a report in accordance with section 7; and be it further

**Sec. 5. Staff assistance. Resolved:** That the Department of Marine Resources shall provide

necessary staffing services to the committee; and be it further

**Sec. 6. Compensation. Resolved:** That the committee members serve on a voluntary basis; and be it further

**Sec. 7. Report. Resolved:** That the committee shall submit a report with its findings and recommendations to the Joint Standing Committee on Marine Resources by December 31, 1999. The recommendations must include provisions for hatcheries to produce Stage IV lobsters for the entire coast and for the establishment of up to one hatchery per zone; and be it further

**Sec. 8. Legislation. Resolved:** That the Joint Standing Committee on Marine Resources may report out legislation during the Second Regular Session of the 119th Legislature regarding lobster hatcheries.

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

Effective May 11, 1999.

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## CHAPTER 22

S.P. 295 - L.D. 867

### Resolve, to Amend the Requirements for Alcohol and Drug Treatment Programs

**Sec. 1. Rulemaking. Resolved:** That by November 1, 1999 the Department of Mental Health, Mental Retardation and Substance Abuse Services shall adopt rules regarding alcohol and drug treatment programs to allow program staffing and supervision by personnel professionally qualified and experienced in alcohol and drug abuse treatment and to eliminate the requirement that personnel be qualified as one particular type of alcohol and drug abuse professional. Rules adopted pursuant to this resolve are major substantive rules as defined by the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

See title page for effective date.

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## CHAPTER 23

H.P. 738 - L.D. 1028

### Resolve, to Prevent Tampering With Indian Archeological Sites

**Sec. 1. Maine Historic Preservation Commission report on protection of Indian**

**archeological sites. Resolved:** That the Maine Historic Preservation Commission and the Representatives of the Penobscot Nation and the Passamaquoddy Tribe jointly shall conduct a review of the threats to Native American archeological sites from looting and vandalism and report their recommendations for implementing a monitoring or stewardship program for site protection and preservation. The review must also involve the following law enforcement agencies: the Maine Warden Service, the Maine Forest Service, the Bureau of Marine Patrol and local and state law enforcement. The review must also involve the Native American community and other interested parties. The Maine Historic Preservation Commission must report to the Joint Standing Committee on Appropriations and Financial Affairs by January 15, 2000 with their findings, recommendations and any necessary implementing legislation.

See title page for effective date.

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## CHAPTER 24

H.P. 264 - L.D. 368

### Resolve, Naming the Beach Next to the Lincolnville Ferry Terminal French Beach

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

**Sec. 1. French Beach. Resolved:** That the beach next to the Lincolnville Ferry Terminal in the Town of Lincolnville be named French Beach.

See title page for effective date.

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## CHAPTER 25

H.P. 183 - L.D. 261

### Resolve, to Direct the Department of Labor to Determine the Cost of Providing Toll-free Telephone Access to All Mainers to Apply for Unemployment Compensation Benefits

**Sec. 1. Toll-free telephone access. Resolved:** That the Department of Labor shall investi-