

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

D. To assist in the recruitment of businesses and personnel within an industry sector seeking to relocate to the State; and

E. To educate, inform and facilitate funding for emerging technologies that are the basis of an industry sector.

Sec. 6. 36 MRSA §1760, sub-§84 is enacted to read:

84. Centers for innovation. Sales to centers for innovation as described in Title 5, section 13141.

See title page for effective date.

CHAPTER 96

S.P. 279 - L.D. 990

An Act to Establish the Maine Regulatory Fairness Board

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

Sec. 1. 5 MRSA §56 is enacted to read:

§56. Maine Regulatory Fairness Board established

The Maine Regulatory Fairness Board, referred to in this section as the "board," is established to hear testimony and to report to the Legislature and the Governor at least annually on regulatory and statutory changes necessary to enhance the State's business climate.

1. Membership. The board consists of 5 members who are owners, operators or officers of businesses operating in the State. The members, at least 3 of whom must represent businesses with fewer than 50 employees, are appointed by the Governor. In selecting the members of the board, the Governor shall make every effort to ensure that different regions of the State are represented. No member of the board may be an officer or employee of State Government.

2. Terms of appointment. Of the initial appointees, the first 2 members appointed by the Governor will serve 3-year terms; the next 2 members appointed by the Governor will serve 2-year terms; the last member appointed by the Governor will serve a one-year term. Upon completion of the initial terms of office pursuant to this subsection, each member appointed to the board must be appointed to serve a 3-year term. No member may serve more than 3 consecutive terms.

3. Chair; election of board officers; quorum. The members of the board shall annually elect a chair and a vice-chair from among the board members. A

majority of members of the board constitute a quorum for the purpose of conducting the board's business, except a lesser number may hold public hearings.

4. Duties of board. The board shall:

A. Meet at least twice annually in a different region of the State to hear testimony from businesses regarding their concerns about enforcement activities of State departments and agencies; and

B. Report to the Governor and the Legislature at least annually on complaints of excessive enforcement actions against businesses by departments and agencies of State Government. The report also must include recommendations for regulatory and statutory changes, if any, that will enhance the State's business climate.

5. Annual report. The board shall report by February 1st of each year to the Governor and to the joint standing committee of the Legislature having jurisdiction over business and economic development matters and the joint standing committee of the Legislature having jurisdiction over state and local government matters on its findings and recommendations.

6. Technical assistance. The State Planning Office shall provide technical support to the board.

Sec. 2. 5 MRSA §12004-I, sub-§2-F is enacted to read:

2-F.	<u>Maine</u>	<u>Not</u>	<u>5 MRSA</u>
<u>Business</u>	<u>Regulatory</u>	<u>Authorized</u>	<u>§56</u>
	<u>Fairness Board</u>		

Sec. 3. Initial meeting; acting chair. The Governor shall establish the date of the organizational meeting of the board no later than 30 days after completing initial appointments. The Governor shall designate an acting chair from among the appointees. The acting chair shall preside at the organizational meeting until a permanent chair and a vice-chair are elected from among the board's membership.

See title page for effective date.

CHAPTER 97

S.P. 150 - L.D. 494

An Act to Authorize a Major Medical Insurance Program for Prisoners Incarcerated in County Jails

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

Sec. 1. 30-A MRSA §2253, sub-§1-A is enacted to read:

1-A. Self-funded pool for medical expenses incurred by county jails. A public self-funded pool formed by 5 or more counties or by an organization representing 5 or more counties may provide risk management and coverage for pool members for medical expenses incurred by county jails for prisoners. A self-funded pool established pursuant to this subsection may collect a premium from pool members to cover 80% of medical expenses totaling \$10,000 or more incurred for any one prisoner.

See title page for effective date.

CHAPTER 98

H.P. 1036 - L.D. 1393

An Act to Enhance the Professional Skills of Maine's Educational Technicians

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

Sec. 1. 20-A MRSA §13023, sub-§2, as enacted by PL 1997, c. 553, §4, is amended to read:

2. Qualifications. The commissioner shall adopt rules to define the function, preparation and supervision for the different levels of educational technician authorization. The rules must recognize applicable work experience credits earned by educational technicians through completion of work apprenticeship programs offered by the Department of Labor. Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 99

S.P. 158 - L.D. 502

An Act to Limit Nuisance Claims Against Commercial Fishing Operations and Activities

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

Sec. 1. 17 MRSA §2807 is enacted to read:

§2807. Commercial fishing activities and commercial fishing operations

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

A. "Commercial fishing activity" means an activity directly related to commercial fishing or a commercial activity commonly associated with or supportive of commercial fishing, such as the manufacture or sale of ice, bait, traps or nets or the manufacture, installation or repair of boats, engines or other equipment commonly used on boats or in facilities that involve the catching, transporting, buying, selling or processing of seafood for commercial purposes.

B. "Commercial fishing operation" means a condition or activity that occurs in connection with the commercial harvesting, purchasing, selling or processing of seafood and includes noise, odors, operation of a vessel, operation of harvesting or processing equipment and transfer or storage of bait.

2. Private nuisance actions limited. A private nuisance action may not be maintained against a person engaged in a commercial fishing activity or commercial fishing operation so long as the activity or operation is undertaken in compliance with applicable licensing and permitting requirements and other applicable statutes, rules and ordinances.

3. Finfish aquaculture exemption. For purposes of this section, activities and conditions associated with licensed finfish aquaculture are not commercial fishing activities or commercial fishing operations.

See title page for effective date.

CHAPTER 100

S.P. 277 - L.D. 988

An Act Relating to the Celebration of Veterans' Week

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

Sec. 1. 1 MRSA §139 is enacted to read:

§139. Veterans' Week

Each political subdivision and school administrative unit is encouraged to celebrate Veterans' Week during the week, commencing on a Sunday and ending on the next following Saturday, within which Novem-