

# 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**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

- (1) During recess;
- (2) When children are going to or leaving school during school opening or closing hours. For purposes of this paragraph, school opening and closing hours are 1/2 hour before and 1/2 hour after the beginning of the school day and 1/2 hour before and 1/2 hour after the end of the school day;
- (3) When school speed limit signs are flashing during school opening or closing hours; or
- (4) At other times designated by a municipal traffic ordinance that regulates town ways that are classified as local by the Department of Transportation in accordance with the federal functional classification system.

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

Effective May 14, 2001.

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**CHAPTER 146**

**H.P. 140 - L.D. 151**

**An Act to Ensure that Fishways on Inland Waters are Working**

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

**Sec. 1. 12 MRSA §7701-A, sub-§2-A** is enacted to read:

**2-A. Monitoring program.** The commissioner shall, in cooperation with the Department of Marine Resources and the Atlantic Salmon Commission, establish a program to ensure fishways are functioning properly and remain sufficient or suitable for the passage of anadromous or migratory fish. The commissioner has sole authority to take corrective action at fishways as prescribed under this section.

**Sec. 2. 12 MRSA §7701-A, sub-§7,** as enacted by PL 1983, c. 374, §2, is amended to read:

**7. Privileged entry.** The commissioner, ~~his~~ the commissioner's agents or subcontractors ~~shall be privileged to~~ may enter upon any private land in order to ~~periodically~~ examine, at least annually, fishways in dams or other artificial obstructions and the examination of dams provided in subsection 2. The commissioner shall notify the landowner, lessee or other person in control of the dam when the examination

will take place and the time required to complete the examination. The commissioner shall make every effort to preserve private land and shall restore surrounding lands to the grade and condition existing prior to entry, if economically feasible.

**Sec. 3. 12 MRSA §7701-C,** as enacted by PL 1989, c. 275, §2, is amended to read:

**§7701-C. Violations; fines**

It ~~shall be~~ is considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation. The department shall adopt rules to establish a schedule of fines for each violation involving the improper operation of a fishway. 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.

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**CHAPTER 147**

**H.P. 961 - L.D. 1274**

**An Act to Increase the Dedicated Wild Blueberry Tax**

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

**Whereas,** Maine wild blueberry growers have petitioned the Legislature to increase the blueberry tax in order to provide additional funding for the Wild Blueberry Commission of Maine to conduct increased advertising and promotion of wild blueberries; and

**Whereas,** Maine wild blueberry growers produced a record crop of blueberries in 2000 and expect another large crop in 2001; and

**Whereas,** additional advertising and promotion funds are needed before and during the 2001 growing season in order to increase markets for wild blueberries; and

**Whereas,** it is necessary for the tax increase proposed in this Act to take effect for the 2001 growing season in order to provide additional funds in a timely manner; 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 preserva-