

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.

J.S. McCarthy Company
Augusta, Maine
2001

Sec. 3. 12 MRSA §7851, sub-§2-C is enacted to read:

2-C. New all-terrain vehicle. "New all-terrain vehicle" means an all-terrain vehicle that has not been registered in this State or any other state or for which sales tax has not been paid in this State or any other state.

Sec. 4. 12 MRSA §7857, sub-§26 is enacted to read:

26. Unlawful sale of new all-terrain vehicle. A person is guilty of an unlawful sale of a new all-terrain vehicle if that person sells more than 2 new all-terrain vehicles per year and does not possess a franchise agreement or contract with an ATV manufacturer and a dealer's license.

Sec. 5. 12 MRSA §7901, sub-§24 is enacted to read:

24. Unlawful sale of a new snowmobile or new all-terrain vehicle. A violation of section 7827, subsection 28 or section 7857, subsection 26 is a civil violation for which a forfeiture of not less than \$500 and a penalty of not more than \$5,000 may be adjudged.

See title page for effective date.

CHAPTER 194

S.P. 404 - L.D. 1320

An Act Relating to the Office of Substance Abuse

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

Sec. 1. 34-B MRSA §1204, sub-§2, ¶C, as amended by PL 1995, c. 691, §3, is further amended to read:

C. The commissioner shall appoint the following officials to serve at the commissioner's pleasure:

- (1) Associate Commissioners;
- (2) Superintendent, Augusta Mental Health Institute;
- (3) Superintendent, Bangor Mental Health Institute;
- (4) Superintendent, Pineland Center;
- (5) Director, Mental Retardation Facility;
- (6) Director, Elizabeth Levinson Center;

(7) Assistant to the Commissioner for Public Information;

(8) Assistant to the Commissioner;

(10) Regional Directors, who shall report directly to the commissioner; and

(11) Director, Office of Substance Abuse, who shall report directly to the commissioner.

~~The Director of the Office of Substance Abuse must be reviewed by the joint standing committee of the Legislature having jurisdiction over human resource matters prior to taking office.~~

See title page for effective date.

CHAPTER 195

H.P. 301 - L.D. 379

An Act to Amend the Lobster Fishing Owner and Operator Laws to Allow Limited Charter Vessel Operation

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

Whereas, the 90-day period may not terminate until after the fishing season has begun; and

Whereas, the changes made in this Act will affect this year's fishing season; 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. 12 MRSA §6431-E, sub-§3, ¶¶C and D, as enacted by PL 1997, c. 693, §1 and affected by §3, are amended to read:

C. Documents to the commissioner by December 31, 2000 that that person fished for or took lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997 from the same vessel and that vessel did not have on board an individual who meets the criteria of subsection 2, paragraph A or B. A person may not qualify for the exemption under this paragraph unless that person continues to fish for or take lobsters from the vessel from which the person

harvested lobsters during the qualifying period in each of calendar years 1995, 1996 and 1997, or from a replacement vessel; or

D. An individual, partnership, corporation or other entity documents to the commissioner by December 31, 2000 that that individual or partnership, corporation or other entity rented, leased or otherwise made available that vessel to the holder of a Class I, Class II or Class III lobster and crab fishing license during the qualifying period in each of calendar years 1995, 1996 and 1997 for the purpose of fishing for or taking lobsters. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel; or

Sec. 2. 12 MRSA §6431-E, sub-§3, ¶E is enacted to read:

E. The person is licensed by the United States Coast Guard to operate a passenger-carrying vessel in coastal waters. The vessel must be inspected by the United States Coast Guard and documented and licensed by the United States Coast Guard to carry passengers. By June 30, 2001, the owner of the vessel shall document to the commissioner that the vessel was utilized to fish for or take lobsters with paying passengers on board during the qualifying period in each of calendar years 1995, 1996 and 1997. The owner of the vessel shall notify the commissioner in writing on an annual basis, prior to the vessel being utilized to fish for or take lobsters, of the name and lobster license number of any person who will be using the vessel to fish for lobster during that calendar year. A person authorized under this paragraph may fish for or take lobsters only from the vessel that was made available during the qualifying period in each of calendar years 1995, 1996 and 1997, or a replacement vessel. No more than 40 lobster traps may be fished from that vessel.

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

Effective May 16, 2001.

CHAPTER 196

S.P. 552 - L.D. 1710

An Act to Clarify the Maine Biomedical Research Program

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

Sec. 1. 5 MRSA §12004-G, sub-§4-B is enacted to read:

<u>4-B.</u>	<u>Maine</u>	<u>Expenses</u>	<u>5 MRSA</u>
<u>Biomedical</u>	<u>Biomedical</u>	<u>Only</u>	<u>§13104</u>
<u>Research</u>	<u>Research</u>		
	<u>Board</u>		

Sec. 2. 5 MRSA §13103, sub-§1, ¶A-1 is enacted to read:

A-1. "Academic medical center" is a Maine-based nonprofit clinical, educational and research organization with a critical number of hospital beds, with multiple and independent residency and fellowship programs, with a significant number of residents and fellows and that is affiliated with but independent of a medical school.

Sec. 3. 5 MRSA §13103, sub-§1, ¶B, as enacted by PL 1999, c. 731, Pt. SSS, §1, is repealed and the following enacted in its place:

B. "Eligible institution" means a Maine-based private nonprofit biomedical research institution or academic medical center or medical school that, as of July 1, 2001:

(1) Performs competitive biomedical research in on-site, wetbench biomedical research laboratories in the State, as evidenced by publications in recognized peer review journals; and

(2) Receives or expends funds in the State from federal agencies or specified grant sources for the purpose of producing peer-reviewed biomedical research in on-site, wetbench biomedical research laboratories.

For purposes of this paragraph, "wetbench" has the meaning generally ascribed to that term by the biomedical research community and refers to laboratories that use solutions or cell extracts and biological reagents.

Sec. 4. 5 MRSA §13103, sub-§1, ¶¶E, F and G are enacted to read:

E. "Private nonprofit biomedical research institution" means a Maine-based institution that is a nonprofit organization described in 26 United States Code, Section 501(c)(3); with a primary purpose of biomedical research; with research laboratories on site; with scientific doctoral degrees who are principal investigators on biomedical research grants expended in the State through that institution and who have published a