

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
2002

PART I

Sec. I-1. Interstate designations. The Department of Transportation shall work with the Federal Highway Administration, the American Association of State Highway and Transportation Officials and the Maine Turnpike Authority to redesignate the Falmouth spur of the Maine Turnpike as an unnumbered ramp and I-95 from Falmouth to West Gardiner as I-295.

PART J

Sec. J-1. PL 2001, c. 314, §3 is amended to read:

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Local Bridges		
All Other	(\$250,000)	(\$250,000)
Capital Expenditures	(1,192,000)	(1,192,000)
Total	<u>(1,492,000)</u>	<u>(1,492,000)</u>
	(1,442,000)	(1,442,000)
Deallocation funds to reflect the transfer of capital and maintenance responsibilities for all minor spans that are on town ways to municipalities.		
Highway and Bridge Improvements		
Capital Expenditures	261,000	261,000
Allocates funds to reflect the transfer of responsibility for certain bridges from municipalities to the Department of Transportation.		
Bridge Maintenance		
All Other	131,000	131,000
Allocates additional funds to reflect the transfer of responsibility for certain bridges from municipalities to the Department of Transportation.		
DEPARTMENT OF TRANSPORTATION TOTAL		
	<u>(\$1,100,000)</u>	<u>(\$1,100,000)</u>
	(1,050,000)	(1,050,000)

PART K

Sec. K-1. 23 MRSA §1803-B, sub-§1, ¶A, as repealed and replaced by PL 2001, c. 471, Pt. D, §22 and affected by §23, is amended to read:

A. Rural Road Initiative funds must be distributed as follows.

(1) Funds are distributed at a rate of \$600 per year per lane mile for all rural state aid minor collector roads and all public roads maintained by a municipality located outside urban compact areas as defined in section 754, except that funds are distributed at a rate of \$300 per year per lane mile for all seasonal public roads.

(2) Effective July 1, 2000, funds must be used for capital improvements as defined by this chapter, or for capital improvements to state aid minor collector roads as described in subsection 5. Prior to July 1, 2000, funds may be used only for the maintenance and improvement of public roads. In municipalities, counties and Indian reservations in which there are no rural state aid minor collector roads, funds may also be used for winter highway maintenance, acquisition of highway maintenance equipment or the construction of highway maintenance buildings if the governing legislative body affirmatively votes that its town ways and local bridges are in sufficiently good condition so as to not require significant repair or improvement for at least 10 years.

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

Effective March 27, 2002, unless otherwise indicated.

CHAPTER 566

H.P. 1678 - L.D. 2181

An Act to Amend the Rule-making Authority of the Department of Conservation Regarding Timber Harvesting in Shoreland Areas

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

Sec. 1. 12 MRSA §8867-B, as enacted by PL 1999, c. 695, §1, is amended to read:

§8867-B. Regulation of timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters

In accordance with the purposes of chapter 206-A and Title 38, chapter 3, ~~no later than January 2, 2002,~~ the Commissioner of Conservation shall may provisionally adopt rules in accordance with Title 5, chapter 375 to establish performance standards for timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters. The rules must provide the maximum opportunity for flexibility that achieves the goal of protecting the public resources while minimizing the impact on private resources. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A ~~and must be submitted to the Legislature no later than January 2, 2002 for review.~~

~~In addition to the materials submitted pursuant to Title 5, section 8072, subsection 2, upon submitting the rules authorized by this section, the Commissioner of Conservation shall submit a report to the joint standing committee of the Legislature having jurisdiction over forestry matters that describes the rationale for new standards and the public resources and values protected by each standard.~~

~~The rules must resolve inconsistencies among standards established pursuant to chapter 206-A and Title 38, chapter 3, articles 2-B and 5-A and retain standards established pursuant to those statutes when those standards are consistent. Upon final adoption, performance standards established pursuant to this section apply to timber harvesting activities in areas adjacent to rivers, streams, ponds, wetlands and tidal waters throughout the State. The Commissioner of Conservation shall administer the rules and enforce the standards adopted under this section.~~

See title page for effective date.

CHAPTER 567

H.P. 253 - L.D. 289

An Act Regarding Horse Racing

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

Sec. 1. 8 MRSA §264, 2nd ¶, as repealed and replaced by PL 1997, c. 735, §1, is amended to read:

Notwithstanding the provisions of this section, all officials whose presence is regularly required at a race meet must be licensed by the commission ~~and hired on an annual basis by the licensee.~~ The commission shall appoint the presiding judge and

associate judges on an annual basis with the consent of the licensee. The licensee shall employ judges appointed in accordance with this section on an annual basis. The commission shall provide the list of approved judges in accordance with section 279-C. The licensee may terminate the employment of a presiding or associate judge hired under this section only with the consent of the commission.

Sec. 2. 8 MRSA §270, first ¶ is amended to read:

Any person, association or corporation licensed to conduct pari-mutuel betting desiring to hold a harness horse race or meet for public exhibition shall apply to ~~said~~ the commission for a license to do so. The application shall must be signed and sworn to by the person or executive officer of the association or corporation and ~~shall~~ must contain the following information:

Sec. 3. 8 MRSA §271, sub-§1, as amended by PL 1999, c. 547, Pt. B, §25 and affected by §80, is further amended to read:

1. Licensing. If the commission is satisfied that all of this chapter and rules prescribed by the commission have been substantially complied with during the past year and will be fully complied with during the coming year by the person, association or corporation applying for a license; that the applicant, its members, directors, officers, shareholders, employees, creditors and associates are of good moral character; that the applicant is financially responsible; and that the award of racing dates to the applicant is appropriate under the criteria contained in subsection 2, it may issue a license for the holding of harness horse races or meets for public exhibition with pari-mutuel pools, which must expire on December 31st. The fee for a license is \$100 or \$10 per week, whichever is higher. The commission shall provide a booklet containing harness racing laws and relevant portions of the Maine Administrative Procedure Act to every initial licensee and a fee not to exceed \$10 must be included in the license fee to cover the cost of this publication. The commission shall provide necessary revisions of this booklet to those persons renewing licenses at the time of renewal and shall include the cost of the revisions, not to exceed \$10, in the renewal fee. The license must set forth the name of the licensee, the place where the races or race meets are to be held and the specific race dates and time of day or night during which racing may be conducted by the licensee. ~~The location stated in the license where the race or race meet is to be held may be transferred to any other licensee on the dates set forth in the license during which the racing may be conducted, but, with respect to that transfer, the transfer may only be made to another licensee and the licensee is liable for compliance with all laws and regulations governing the~~