

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.

J.S. McCarthy Company
Augusta, Maine
2002

more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year or more than \$6,735,000 beginning in the 1999-00 fiscal year, ~~except that in the 2001-02 fiscal year the assessment may not be designed to produce more than \$7,035,000 in the 2001-02 fiscal year or more than \$6,860,000 beginning in the 2002-03 fiscal year.~~ Assessments collected that exceed \$6,000,000 beginning in the 1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal year or \$6,735,000 beginning in the 1999-00 fiscal year or \$7,035,000 in fiscal year 2001-02 or \$6,860,000 beginning in the 2002-03 fiscal year by a margin of more than 10% must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget. Any collected amounts or savings above the allowed reserve must be used to reduce the assessment for the following fiscal year. The board shall determine the assessments prior to May 1st and shall assess each insurance company or association and self-insured employer its pro rata share for expenditures during the fiscal year beginning July 1st. Each self-insured employer shall pay the assessment on or before June 1st. Each insurance company or association shall pay the assessment in accordance with subsection 3.

Sec. 2. Use of funds. Notwithstanding Private and Special Law 2001, chapter 24, the increase to the assessment on workers' compensation insurance established in section 1 of this Act may be used to fund the full-time administrative hearing officer position in the Caribou office of the Workers' Compensation Board.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board

Initiative: Allocates funds for one Administrative Hearing Officer position in the Caribou office of the Workers' Compensation Board.

Other Special Revenue Funds	2001-02	2002-03
Positions - Legislative Count	(0,000)	(1,000)
Personal Services	\$0	\$110,561
All Other	0	14,439
Total	\$0	\$125,000

See title page for effective date.

CHAPTER 693

H.P. 1575 - L.D. 2081

An Act to Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

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

Sec. 1. 12 MRSA §1893, sub-§1, ¶¶A and B, as enacted by PL 1997, c. 678, §13, are amended to read:

A. Within available funds, the snowmobile program shall develop and maintain snowmobile trails and provide educational and informational materials for the use of operators of snowmobiles. The bureau may charge a reasonable fee for such services and materials when the money credited to it under chapter 715, subchapter II is insufficient to satisfy the demand for those services and materials. All fees collected must be deposited in the bureau's Snowmobile Trail Fund. The bureau shall administer the Snowmobile Trail Fund and the snowmobile program's other activities must be conducted pursuant to section 7824, subsection 4. The Snowmobile Trail Fund receives funding as provided in chapter 715, subchapter II and Title 36, section ~~2903-B~~ 2903-D, subsection 2.

B. The bureau shall administer the ATV Recreational Management Fund established under section 7854, subsection 4 for the purposes given in that subsection and for the acquisition of land to be used for ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter II for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 7851, subsection 2-A. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section ~~2903-C~~ 2903-D, subsection 3.

Sec. 2. 12 MRSA §1894, last ¶, as enacted by PL 1997, c. 678, §13, is repealed.

Sec. 3. 12 MRSA §1896, as enacted by PL 1997, c. 678, §13, is amended to read:

§1896. Boating Facilities Fund

There is created within the bureau the Boating Facilities Fund, referred to in this subchapter as the "fund." The fund, as funded under Title 36, section ~~2903-A~~ 2903-D, subsection 1, must be available to the

director in carrying out the duties of the bureau under this subchapter. This fund is a continuous carrying account.

Sec. 4. 36 MRSA §2903-A, as amended by PL 1999, c. 127, Pt. A, §50, is repealed.

Sec. 5. 36 MRSA §2903-B, as amended by PL 1995, c. 502, Pt. E, §30, is repealed.

Sec. 6. 36 MRSA §2903-C, as enacted by PL 1995, c. 446, §2, is repealed.

Sec. 7. 36 MRSA §2903-D is enacted to read:

§2903-D. Distribution of gasoline taxes for nonhighway recreational vehicle programs

This section establishes the percentage of gasoline taxes that are attributable to snowmobile, all-terrain vehicle and motorboat gasoline purchases and equitably distributes that percentage among the appropriate state agencies for the administration of programs and the enforcement of laws relating to the use of those recreational vehicles. For the purposes of this section, the term "total gasoline tax revenues" means the total excise tax on internal combustion engine fuel sold or used within the State, but not including internal combustion fuel sold for use in the propulsion of aircraft.

1. Motorboats. Of total gasoline tax revenues, 1.4437% is distributed among the following agencies in the following manner:

A. The Commissioner of Marine Resources receives 24.6% for research, development and propagation activities of the Department of Marine Resources. In expending these funds, it is the responsibility of the Commissioner of Marine Resources to select activities and projects that will be most beneficial to the commercial fisheries of the State as well as the development of sports fisheries activities in the State; and

B. The Boating Facilities Fund, established under Title 12, section 1896, within the Department of Conservation, Bureau of Parks and Lands, receives 75.4% of that amount.

2. Snowmobiles. Of total gasoline tax revenues, 0.9045% is distributed among the following agencies in the following manner:

A. The Commissioner of Inland Fisheries and Wildlife receives 14.93% of that amount, to be used by the commissioner for the purposes set forth in Title 12, section 7824; and

B. The Snowmobile Trail Fund of the Department of Conservation, Bureau of Parks and

Lands, established under Title 12, section 7824, receives 85.07% of that amount.

3. All-terrain vehicles. Of total gasoline tax revenues, 0.1525% is distributed among the following agencies in the following manner:

A. The Commissioner of Inland Fisheries and Wildlife receives 50% of that amount; and

B. The ATV Recreational Management Fund, established in Title 12, section 7854, subsection 4, paragraph B, receives 50% of that amount.

The State Tax Assessor shall certify to the State Controller by the 15th day of each month the amounts to be distributed and credited under this section as of the close of the State Controller's records for the previous month.

Sec. 8. Updates to Public Access to Maine Waters Strategic Plan. Beginning in 2005 and every 5 years thereafter, the Department of Conservation, the Department of Inland Fisheries and Wildlife and the Department of Marine Resources shall jointly prepare comprehensive written updates to the report titled "Public Access to Maine Waters Strategic Plan" that was originally prepared by those departments in 1995 and updated in 2000. Those reports must include an update to the boating access improvements completed since the prior report, a summary of the current funding and expenditure patterns for each of those departments on boating access matters, a summary of public access needs and funding, a summary of boating enforcement and education programs and needs and any actions proposed by those departments in those areas anticipated over the subsequent 5-year period. Those reports must be submitted jointly to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over marine resource matters beginning in January 2005, and every 5 years thereafter.

Sec. 9. Snowmobile and all-terrain vehicles needs assessments. Beginning in 2005 and every 5 years thereafter, the Department of Conservation and the Department of Inland Fisheries and Wildlife shall jointly prepare an assessment of needs within the snowmobile and all-terrain vehicle programs, including a summary of the current funding and expenditure patterns for each of those departments on snowmobile and all-terrain vehicle matters, a summary of public access needs and funding, a summary of snowmobile and all-terrain vehicle enforcement and education programs and needs, an assessment of the capital needs for equipment or facilities for maintenance of trails or access to land or water and any actions proposed by those departments

in those areas anticipated over the subsequent 5-year period. Those reports must be submitted jointly to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters and the joint standing committee of the Legislature having jurisdiction over public recreation matters beginning in January 2005, and every 5 years thereafter.

Sec. 10. Estimate of gasoline tax revenue for years starting on July 1, 2003 to June 30, 2005. For purposes of calculating the percentage of gasoline tax revenue attributable to motorboats, snowmobiles and all-terrain vehicles pursuant to the Maine Revised Statutes, Title 36, section 2903-D for years starting on July 1, 2003 to June 30, 2005, the total gasoline tax revenue used is \$150,400,000.

Sec. 11. Effective date. This Act takes effect July 1, 2003.

Effective July 1, 2003.

CHAPTER 694

H.P. 1656 - L.D. 2164

An Act to Provide Government with the Necessary Authority to Respond to a Public Health Emergency Caused by An Act of Bioterrorism

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

PART A

Sec. A-1. 22 MRSA c. 250, sub-c. II-A is enacted to read:

SUBCHAPTER II-A EXTREME PUBLIC HEALTH EMERGENCIES

§820. Extreme public health emergency

The provisions of this subchapter apply in the event of the declaration of an extreme public health emergency pursuant to section 802, subsection 2-A and Title 37-B, chapter 13, subchapter II.

1. Powers of the department. Upon the declaration of an extreme public health emergency, the department has the following powers.

A. Upon request of the department, a medical provider, pharmacist or veterinarian shall provide to the department health information directly related to a declared extreme public health emergency.

B. The department may take a person into custody and order prescribed care of that person as provided in this subsection.

(1) The department may act without a court order if:

(a) The department has reasonable cause to believe that the person has been exposed to or is at significant medical risk of transmitting a communicable disease that poses a serious and imminent risk to public health and safety;

(b) There are no less restrictive alternatives available to protect the public health and safety; and

(c) The delay involved in securing a court order would pose an imminent risk to the person or a significant medical risk of transmission of the disease.

(2) The department may act pursuant to a court order obtained under subsection 2.

(3) A person is exempt from examination, vaccination, medical care or treatment if alternative public health measures are available, even if those measures are more restrictive, and if:

(a) The person demonstrates a sincere religious or conscientious objection to the examination, vaccination, medical care or treatment; or

(b) The person is at known risk of serious adverse medical reaction to the vaccination or medical care or treatment.

2. Judicial review. The following provisions apply to judicial review of the authority of the department under this subchapter.

A. A hearing must be held before a judge of the District Court, a justice of the Superior Court or a justice of the Supreme Judicial Court as soon as reasonably possible but not later than 48 hours after the person is subject to prescribed care to determine whether the person must remain subject to prescribed care. A hearing under this paragraph may be waived in writing after notice of the effect of a waiver and an opportunity to consult with an attorney.

B. Notice of the hearing must be served upon the person subject to prescribed care within a rea-