

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

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rules have been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rules; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 3, Maine Clean Elections Act and Related Provision Amendments, provisionally adopted major substantive rules of the Commission on Governmental Ethics and Election Practices, that have been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective April 8, 2002.

CHAPTER 110

H.P. 1488 - L.D. 1991

Resolve, to Develop a Living Memorial in Capitol Park in Honor of the Victims and Heroes of the September 11, 2001 Tragedy

Sec. 1. Design. Resolved: That the State House and Capitol Park Commission shall study issues involved in the design of a living memorial in Capitol Park dedicated to the victims and heroes of the September 11, 2001 tragedy. Notice of commission meetings relating to a living memorial must be given to the Legislative Council. The memorial must be designed to enhance the natural beauty of the park and to provide a place for quiet reflection on the events of September 11th. The memorial may introduce new or restore existing natural elements in Capitol Park such

as vegetation planting and walkways consistent with the plan developed for the park by the Olmsted Brothers firm in 1920 and revised by the Pressley firm in 1990. The memorial may be identified in an unobtrusive and dignified manner. The commission shall hold a public hearing to receive public comment on the establishment of a living memorial in Capitol Park. The commission shall develop recommendations on a funding mechanism for building the memorial, including, but not limited to, a public and private partnership; and be it further

Sec. 2. Report. Resolved: That the State House and Capitol Park Commission shall submit its report, together with any necessary implementing legislation, for introduction in the First Regular Session of the 121st Legislature no later than November 6, 2002.

See title page for effective date.

CHAPTER 111

H.P. 1543 - L.D. 2044

Resolve, to Require Agencies to Provide a List of Certain Paperwork Required of Maine Businesses

Sec. 1. List of paperwork required of businesses in State. Resolved: That each agency as defined in the Maine Revised Statutes, Title 5, section 8002, subsection 2 shall submit to the Secretary of State by December 1, 2002 a list of licenses, registrations, forms and reports required by the agency to operate a business or occupation in Maine. The Secretary of State may require agencies to submit the information required by this section electronically in a manner and form prescribed by the Secretary of State. The Secretary of State may request a sample of each license application, registration, form or report listed by an agency. The Secretary of State shall compile a master list of licenses, registrations, forms and reports and submit the master list to the First Regular Session of the 121st Legislature by January 15, 2003.

See title page for effective date.

CHAPTER 112

H.P. 1726 - L.D. 2213

Resolve, Dealing With One-time License Transfers of Sea Urchin Dragging Licenses

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

Whereas, the 120th Legislature enacted Public Law 2001, chapter 327 to end the practice of sea urchin license leasing, which law also grandfathered persons who had been fishing on leased licenses, through a one-time license transfer program; and

Whereas, the one-time license transfer program was intended to stop future license leasing without adversely impacting those persons who had been fishing legally under the previously existing system; and

Whereas, certain individuals, however, who had been sea urchin fishing on leased licenses in the past were not able to qualify for licenses under the provisions of the one-time license transfer program; 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

Sec. 1. One-time issuance of new sea urchin licenses. Resolved: That a person who meets the requirements of one of the following subsections may apply to the Commissioner of Marine Resources for a sea urchin dragging license in 2002. The person must provide written documentation to the commissioner that the person meets the requirements. The commissioner shall issue a 2002 sea urchin dragging license to a person who demonstrates that:

1. The person was the owner of a vessel named on a sea urchin dragging license under the Maine Revised Statutes, Title 12, section 6748-A in 2001 but not the person named on that license. A person who meets the requirements of this subsection must provide written documentation to the Commissioner of Marine Resources within 60 days after the effective date of this subsection;

2. The person was the owner of a vessel named on a sea urchin dragging license under Title 12, section 6748-A in 2001 but not the person named on that license and the holder of that license did not authorize a transfer of the license pursuant to Title 12, section 6748-A, subsection 2-A;

3. The person was the owner of a vessel named on a sea urchin dragging license in 2000 but not the person named on that license and the license was a Passamaquoddy tribal license issued under Title 12, section 6302-A;

4. The person was the owner of a vessel named on a sea urchin dragging license under Title 12, section 6748-A in 2000 but not the person named on that license and the holder of that license died prior to December 1, 2001;

5. The person held or leased more than one sea urchin dragging license for 2000 and 2001, was the owner of the vessels named on those licenses during those same years and is currently the owner of the vessels named on those licenses; or

6. The person fished in 1997, 1998, 1999 and 2000 under a sea urchin dragging license issued under Title 12, section 6748-A to a parent who has a permanent medical disability and from a vessel owned by a parent who has a permanent medical disability. A person who meets the requirements of this subsection must provide written documentation to the Commissioner of Marine Resources within 10 days after the effective date of this subsection.

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

Effective April 9, 2002.

CHAPTER 113

S.P. 735 - L.D. 2046

Resolve, to Recognize Veterans of World War II and the Korean War in the State House Hall of Flags

Sec. 1. Commission established. Resolved: That a commission is established to arrange for a plaque or plaques and a flag or flags to be displayed in the Hall of Flags in the State House to honor the Maine veterans of World War II and the Korean War; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 7 members: 3 members appointed by the Governor, 2 members appointed by the President of the Senate, one of whom must be a Senator and 2 members appointed by the Speaker of the House of Representatives, one of whom must be a State Representative. All members must be appointed no later than 30 days following the effective date of this resolve. The Senate member appointed by the President of the Senate and the House member appointed by the Speaker of the House of Representatives serve as cochairs. When appointment of all members is completed, the cochairs shall so notify the Executive Director of the Legislative Council and shall call and convene the first meeting of the commission no later than 15 days following completion of the appointments; and be it further