

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

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Lewiston, Maine
2003

subject to a bail lien as bail and the cash, other property or real estate has not been forfeited, the court, before ordering the cash or other property returned to the defendant or discharging the real estate bail lien, shall determine whether the cash, other property or real estate or any portion of the cash, other property or real estate is subject to setoff as authorized by this section. The court may order all or a portion of the bail owned by a defendant that has not been forfeited to be first paid and applied to one or more of the following:

- A. Any fine, forfeiture, penalty or fee imposed upon a defendant as part of the sentence for conviction of any offense arising out of the criminal proceeding for which the bail has been posted and the sentence for conviction of any offense in an unrelated civil or criminal proceeding;
- B. Any amount of restitution the defendant has been ordered to pay as part of the sentence imposed in the proceeding for which bail has been posted and in any unrelated proceeding;
- C. Any amount of ~~attorneys'~~ attorney's fees or other expense authorized by the court at the request of the defendant or attorney and actually paid by the State on behalf of the defendant on the ground that the defendant has been found to be indigent in the proceeding for which bail has been posted and in any unrelated proceeding; and
- D. Any surcharge imposed by Title 4, section 1057.

The court shall apply any bail collected pursuant to this subsection first to restitution.

See title page for effective date.

CHAPTER 88

H.P. 404 - L.D. 519

An Act To Provide Expedited Access to Testing for an Individual Exposed to Body Fluids in the Course of Employment

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

Sec. 1. 22 MRSA §832, sub-§2, ¶A, as enacted by PL 1997, c. 368, §1, is amended to read:

- A. Schedule ~~a~~ an expedited hearing to be held as soon as practicable;

See title page for effective date.

CHAPTER 89

S.P. 133 - L.D. 396

An Act To Allow Dealers of Manufactured Housing To Install Oil Tanks

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

Sec. 1. 32 MRSA §2401, as amended by PL 2001, c. 633, §2, is further amended by adding at the end 2 new paragraphs to read:

The board may issue a joint limited license to a manufactured housing dealer, as defined and licensed in Title 10, chapter 951, and an individual employee of the dealer who is named as the corecipient of the joint limited license for the limited purpose of allowing the employee to install outside residential heating oil tanks at manufactured housing, as defined in Title 10, section 9002, subsection 7, paragraph A, that has been sold by the dealer. Requirements for attaining the joint limited license must include training, of at least 4 hours at an education course approved by the board, completed by the employee named as the corecipient of the joint limited license, for proper installation of an outside oil tank. The joint limited license is revoked upon termination of the employee named as the corecipient of the joint limited license from the employ of the dealer.

The board may issue a joint limited license to the owner of a manufactured housing dealership for the limited purpose of allowing the owner to install outside residential heating oil tanks at manufactured housing, as defined in Title 10, section 9002, subsection 7, paragraph A, that has been sold by the owner. For the purposes of the joint limited license, the board shall consider the owner as both the dealer and the employee named as the corecipient. Requirements for attaining the joint limited license must include training of at least 4 hours at an education course approved by the board, completed by the owner, for proper installation of an outside oil tank. The joint limited license is revoked upon the owner ceasing to operate as a manufactured housing dealer.

Sec. 2. 32 MRSA §2402-B, as amended by PL 2001, c. 633, §3, is further amended to read:

§2402-B. Fees

The Director of the Office of Licensing and Registration may establish by rule fees for purposes authorized under this subchapter in amounts that are reasonable and necessary for their respective purposes, except that the fee for any one purpose may not exceed \$350 biennially. The fee for the limited license for a manufactured housing mechanic or the

joint limited license for a manufactured housing dealer and employee or owner may not exceed \$50 biennially. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

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

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Licensing and Enforcement 0352

Initiative: Allocates funds for the Oil and Solid Fuel Board for the costs associated with rulemaking.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$2,000	\$0
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Other Special Revenue Funds		
Total	\$2,000	\$0

See title page for effective date.

CHAPTER 90

S.P. 478 - L.D. 1440

An Act To Establish the Commercial Fishing Safety Council

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

Whereas, commercial fishing off the coast of Maine is inherently dangerous and vital to the economic well-being of Maine; and

Whereas, over the last 8 years, 34 Maine fishermen were lost at sea while engaged in commercial fishing activities; and

Whereas, most accidents that result in the sinking of a vessel are preventable; 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. 5 MRSA §12004-I, sub-§57-E is enacted to read:

<u>57-E.</u> <u>Marine</u> <u>Resources</u>	<u>Commercial</u> <u>Fishing</u> <u>Safety</u> <u>Council</u>	<u>None</u>	<u>12 MRSA</u> <u>§6034</u>
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Sec. 2. 12 MRSA §§6034 and 6035 are enacted to read:

§6034. Commercial Fishing Safety Council

1. Appointment; composition. The Commercial Fishing Safety Council, referred to in this section as "the council" and established by Title 5, section 12004-I, subsection 57-E, consists of 17 members, 15 of whom are appointed by the Governor and subject to confirmation by the Legislature as follows:

A. One member who is a license holder under this Part and a member of the Lobster Advisory Council, recommended by the chair of the Lobster Advisory Council;

B. One member who is a license holder under this Part and a member of the Marine Resources Advisory Council, recommended by the chair of the Marine Resources Advisory Council;

C. One member who is a license holder under this Part and a member of the Sea Urchin Zone Council, recommended by the chair of the Sea Urchin Zone Council;

D. Five members who are license holders under this Part and who each represent a different commercial marine harvesting activity than the other members of the council, recommended by commercial marine harvesting and aquaculture interests;

E. An educator experienced in community-based adult education and volunteer safety training;

F. An expert in fishing industry risk analysis and occupational health;

G. An expert in marine safety equipment;

H. A representative of the marine insurance industry;

I. A marine surveyor;

J. A spouse or domestic partner of a license holder under this Part; and

K. A member of the public.

The chair of the Marine Resources Advisory Council and the chair of the Marine Recreational Fishing Advisory Council are ex officio members of the council. The composition of the council must reflect a