

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.

Penmor Lithographers
Lewiston, Maine
2003

geographic distribution along the coast of the State. The council may invite to carry out the duties of the council other participants on an ad hoc basis, including representatives of private or governmental organizations or individuals with expertise or interest in marine, education, labor or health matters.

2. Term. The term of an appointed member is 3 years, except a vacancy of a member before the expiration of the member's term must be filled in the same manner as the original member for the unexpired portion of the member's term. An appointed member may not serve more than 2 consecutive terms.

3. Officers. The officers of the council are the chair, vice-chair and secretary. The term of the officers is one year. The Governor shall appoint the first chair of the council. Except for the appointment of the original chair, the council shall elect a member of the council for each officer position at the first regular meeting of each year. The officers have the following duties:

A. The chair shall call and preside at council meetings;

B. The vice-chair shall call and preside at council meetings when the chair is absent; and

C. The secretary shall record all meetings of the council and preserve these records.

4. Meetings. The council shall hold regular quarterly meetings and may hold special meetings with the commissioner or the commissioner's designee. A member of the council may participate and is deemed present at a meeting of the council or of a subcommittee of the council by telephone, electronically or by any other means by which all members participating in the meeting are able to communicate with each other. The council shall ensure adequate facilities for full attendance at council meetings by the public.

5. Quorum. A quorum exists when a majority of the members of the council are present, either actually or pursuant to subsection 4.

6. Council actions. The council may act in the following ways:

A. If a quorum is present, in person or pursuant to subsection 4, by a majority vote of the members present or polled; or

B. If there is no meeting, by written poll of a quorum of members responding.

7. Duties. The council shall carry out duties specifically delegated to the council by law or by the

commissioner and give the commissioner information and advice concerning fishing safety issues, including:

A. Minimum safety equipment, training and operational standards;

B. Community-based education programs that provide practical safety training and fisheries-specific safety training;

C. An outreach program to promote the culture of safety;

D. Opportunities to minimize the costs and seek alternative funding sources, fees, incentives, grants or partnerships to minimize the financial impact of safety requirements; and

E. The commercial safety fishing plan that the commissioner submits to the council pursuant to section 6035 and report to the Legislature concerning that plan pursuant to subsection 8.

8. Report. No later than January 15th of each year, the council shall report to the joint standing committee of the Legislature having jurisdiction over marine resources matters with regard to measures required to implement the commercial safety fishing plan that the commissioner submits to the council pursuant to section 6035. The committee is authorized to report out any necessary legislation regarding the council's report.

§6035. Commercial safety fishing plan

No later than November 15th of each year, the commissioner shall submit a commercial safety fishing plan to the Commercial Fishing Safety Council that includes the department's fishing safety initiatives, the progress in implementing those fishing safety initiatives, any revisions to those initiatives or their implementation and any new initiatives for the Commercial Fishing Safety Council to consider.

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

Effective April 25, 2003.

CHAPTER 91

H.P. 62 - L.D. 54

An Act to Amend the Liquor Law as it Pertains to Special Taste-testing Festival Licenses

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

Sec. 1. 28-A MRSA §1052-B, sub-§1, as enacted by PL 1999, c. 677, §2, is amended to read:

1. Special taste-testing festival license. ~~Manufacturers~~ Malt liquor manufacturers licensed under section 1401 and manufacturers of malt liquor or wine licensed as small breweries or farm wineries under section 1355 may apply jointly for an additional license to participate in a special taste-testing festival under this section. The special taste-testing festival license is valid for no more than 3 consecutive days and may be issued once annually.

See title page for effective date.

CHAPTER 92

H.P. 19 - L.D. 12

An Act to Enhance School Zone Safety

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

Sec. 1. 29-A MRSA §101, sub-§64-B, as enacted by PL 2001, c. 145, §2, is amended to read:

64-B. School zone. "School zone" means the portion of the public highway abutting improved school property or 300 feet on either side of a school entrance, whichever is greater, or as designated under section 2075, subsection 3, paragraph F.

Sec. 2. 29-A MRSA §2075, sub-§3, ¶D, as amended by PL 2001, c. 313, §1, is further amended to read:

D. With the approval of the Department of Transportation and the Chief of the State Police, increase or decrease the speed limit on through ways by erecting standard signs giving notice of the speed limit in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration; ~~and~~

Sec. 3. 29-A MRSA §2075, sub-§3, ¶E, as enacted by PL 2001, c. 313, §1, is amended by amending the last blocked paragraph to read:

The Department of Transportation may require a municipality with a population of 5,000 or more as measured by the latest decennial United States census that has not provided written notice to the department that the municipality will set speed limits in accordance with this paragraph to provide the department with all data necessary to set such speed limits. The nature, extent and form of that data must be acceptable to the department

and may include, without limitation, the reason for the request, length and location of the proposed speed zone, road width, number of drive-ways in that zone, traffic volume, posted speed, prevailing speed as measured by radar, accident history and speed enforcement efforts; and

Sec. 4. 29-A MRSA §2075, sub-§3, ¶F is enacted to read:

F. With the approval of the Department of Transportation and the Chief of the State Police, and in accordance with the latest edition of the Manual on Uniform Traffic Control Devices published by the Federal Highway Administration, designate a school zone to which the speed limits in section 2074, subsection 1, paragraph A apply.

See title page for effective date.

CHAPTER 93

H.P. 16 - L.D. 9

An Act to Amend the Laws Governing the Workers' Compensation Board Administrative Fund

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

Sec. 1. 39-A MRSA §154, sub-§6, as amended by PL 2001, c. 692, §1, is further amended to read:

6. Assessment levied. The assessments levied under this section may not be designed to produce 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, more than \$6,735,000 beginning in the 1999-00 fiscal year, 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, \$6,735,000 beginning in the 1999-00 fiscal year, \$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. The board, by a majority vote of its membership, may use its reserve to assist in funding its Personal Services account expenditures and All Other account expenditures and to help defray the costs incurred by the board pursuant to this Act including