

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

~~corporation formed~~ An entity designated under this section shall also file copies of the ~~corporation's~~ entity's Internal Revenue Code forms and returns with the Attorney General and the joint standing committee of the Legislature having jurisdiction over business and economic development matters.

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

Effective May 6, 2003.

CHAPTER 113

H.P. 246 - L.D. 303

An Act To Increase Protection for Endangered and Threatened Species

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

Sec. 1. 12 MRSA §7756, first ¶, as enacted by PL 1999, c. 316, §1, is amended to read:

For the purposes of this section, "to take, take and taking" means the ~~intentional or negligent~~ act or omission that results in the death of any endangered or threatened species.

Sec. 2. 12 MRSA §7756, sub-§1, as amended by PL 1999, c. 316, §1, is repealed and the following enacted in its place:

1. Prohibited acts regarding endangered or threatened species; negligence. Except as provided in subsection 2, a person may not negligently:

A. Import into the State or export out of the State any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime;

B. Hunt, take, trap or possess any endangered or threatened species within the State. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species or any part of an endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class E crime; or

D. Except as allowed under subsection 2, paragraph A:

(1) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this subparagraph for the first time; or

(2) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this subparagraph after having previously been given a warning under subsection 1 commits a Class E crime.

Sec. 3. 12 MRSA §7756, sub-§1-A is enacted to read:

1-A. Prohibited acts regarding endangered or threatened species; intentional. Except as provided in subsection 2, a person may not intentionally:

A. Import into the State or export out of the State any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class D crime;

B. Hunt, take, trap or possess any endangered or threatened species within the State. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class D crime;

C. Possess, process, sell, offer for sale, deliver, carry, transport or ship, by any means whatsoever, any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this paragraph commits a Class D crime; or

D. Except as allowed under subsection 2, paragraph A:

(1) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a law enforcement officer, as defined in Title 25, section 2801-A, subsection 5, must issue a warning to a person who violates this subparagraph for the first time; or

(2) Feed, set bait for or harass any endangered or threatened species. Notwithstanding section 7901-A, a person who violates this subparagraph after having previously been given a warning under subsection 1 commits a Class D crime.

Sec. 4. 12 MRSA §7756, sub-§2, as amended by PL 1999, c. 316, §1, is amended by amending the first paragraph to read:

2. Exceptions. Notwithstanding ~~subsection~~ subsections 1 and 1-A, the commissioner may:

See title page for effective date.

CHAPTER 114

S.P. 365 - L.D. 1093

An Act to Conform State Workforce Development Laws to the Federal Workforce Investment Act of 1998

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

Sec. 1. 5 MRSA §1507, sub-§5-A, as repealed and replaced by PL 1993, c. 349, §7, is amended to read:

5-A. Job development training. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor-intensive new or expanding industries. ~~In fiscal year 1989-90, \$75,000 of this amount may also be allocated for immediate job training, unemployment counseling, retraining and other assistance to displaced workers. In fiscal year 1989-90, an additional \$75,000 of this amount may also be allocated for immediate job training, unemployment counseling, retraining and other assistance to displaced workers in the midcoast area of the State.~~ Allocations for this purpose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with the Commissioner of Education, the President of the Maine Technical College System and the director of the appropriate service delivery local workforce investment area as defined by the Job Training Partnership Act designated pursuant to the federal Workforce Investment Act of 1998, Public Law 105-220.

Sec. 2. 5 MRSA §1737, sub-§4, as amended by PL 1997, c. 46, §1, is further amended to read:

4. Directed services. Notwithstanding the provisions of subsection 2, the director may provide insurance advice or services for family foster homes as defined in Title 22, section 8101, subsection 3; specialized children's homes, as defined in Title 22, section 8101, subsection 5; respite care providers as defined in Title 34-B, section 6201, subsection 2-A; the Casco Bay Island Transit District created by

Private and Special Law 1981, chapter 22; the University of Maine System; the Maine Technical College System; the Maine Maritime Academy; and the State's service delivery local workforce investment areas designated under the federal Job Training Partnership Act Workforce Investment Act of 1998, Public Law 97-300, as amended 105-220.

Sec. 3. 20-A MRSA §12704, sub-§2, ¶D, as amended by PL 1995, c. 560, Pt. G, §5 and affected by §29, is further amended to read:

D. The employment and training programs funded under the United States Job Training Partnership Act federal Workforce Investment Act of 1998, Public Law 97-300 105-220, or its successor, and overseen by the Department of Labor, Bureau of Employment Services, or its successor; and

Sec. 4. 26 MRSA c. 25 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 25

WORKFORCE INVESTMENT

Sec. 5. 26 MRSA §2001, as enacted by PL 1983, c. 258, §1, is amended to read:

§2001. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Act. "Act" means the Job Training Partnership Act, as established by the Federal Job Training Partnership Act, Public Law 97-300, enacted October 13, 1982.

2. Commissioner. "Commissioner" means the Commissioner of Labor.

3. Job Training Partnership Fund. "Job Training Partnership Fund" means a separate fund created by this chapter implementing the Job Training Partnership Act.

4. Local area and local board. "Local area" and "local board" have the same meanings as provided in the Workforce Investment Act.

5. Workforce Investment Act. "Workforce Investment Act" means the federal Workforce Investment Act of 1998, Public Law 105-220.

Sec. 6. 26 MRSA §2002, as amended by PL 1983, c. 480, Pt. B, §28, is repealed.