

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

essential. The board shall require that a new applicant pass Parts I, II and III of the National Board of Examiners in Optometry examination, including all sections of the Treatment and Management of Ocular Diseases (TMOD) examination. An individual who has applied to be examined shall appear before the board at the time and place the board designates and, before the examination, shall pay to the board a sum not in excess of ~~\$200~~ \$400 as established by the board. All applicants successfully passing the examination must be licensed to practice optometry. The board may require applicants who have failed to pass the licensure examination 3 times to enroll in a course of continuing education as prescribed by the board.

Sec. 2. 32 MRSA §2423, sub-§1, as amended by PL 1997, c. 117, §3, is further amended to read:

1. Annual renewal. Every licensed optometrist practicing in the State shall pay annually, before the first day of April, to the board a license renewal fee not in excess of ~~\$200~~ \$400 as established by the board under section 2417.

Sec. 3. 32 MRSA §2423, sub-§2, as amended by PL 1993, c. 600, Pt. A, §154, is further amended to read:

2. Nonactive license. Every licensed optometrist not practicing within the State must upon payment of an annual license renewal fee not in excess of ~~\$200~~ \$400 as established by the board, be issued a nonactive license renewal. The fee is payable to the board before the first day of April each year. Should a holder of a nonactive license desire to practice within the State, the licensee shall notify the board in writing, and except as otherwise provided in this chapter, must then be issued an active license by the board.

See title page for effective date.

CHAPTER 253

H.P. 1072 - L.D. 1467

An Act To Repeal the Provision of Law Requiring Permits for 53-foot Trailers

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

Sec. 1. 29-A MRSA §511, sub-§1, ¶¶B and C, as amended by PL 1999, c. 790, Pt. C, §13 and affected by §19, are further amended to read:

B. The fee is ~~\$18~~ \$20 for a camp trailer exceeding 2,000 pounds.

C. The fee is ~~\$18~~ \$20 for a semitrailer exceeding 2,000 pounds.

Sec. 2. 29-A MRSA §512, sub-§1, ¶B, as amended by PL 1997, c. 683, Pt. A, §17 and c. 776, §15, is further amended to read:

B. The fee is ~~\$10~~ \$12 for each semitrailer, and the fee is \$5 for each trailer of not more than 2,000 pounds gross vehicle weight.

Fees for the first 3 years of a registration may not be refunded. Fees for the 4th and subsequent years may be refunded prior to the start of the registration year provided that the registration plate and certificate are returned to the Secretary of State. After the start of the registration year, fees for the current year may be refunded if the plate and certificate are returned within 120 days and the Secretary of State is satisfied that the credentials were not used during the registration period.

Sec. 3. 29-A MRSA §512, sub-§2, ¶A, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A. The fee for each registration is ~~\$40~~ \$12 per year or portion of a year. The Secretary of State shall establish a procedure to bill each registrant using semipermanent semitrailer registrations once annually except the billing at the time of purchase of a full 20-year registration must be for a 3-year period. Fees for the first 3 years are nonrefundable. A fee for a registration of less than 20 years must be prorated accordingly. If any registrant fails to remit the payment in a timely manner, the Secretary of State shall suspend all registrations issued to that registrant pursuant to this subsection.

Sec. 4. 29-A MRSA §2390, sub-§1, ¶J, as amended by PL 2001, c. 267, §13 and affected by §16, is further amended by repealing subparagraph (11).

Sec. 5. Effective date. This Act takes effect January 1, 2004.

Effective January 1, 2004.

CHAPTER 254

H.P. 1123 - L.D. 1531

An Act To Amend Provisions of the Submerged Lands Law

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

Sec. 1. 12 MRSA §1862, sub-§2, ¶C, as enacted by PL 1997, c. 678, §13, is amended to read:

C. The director shall charge an administrative fee of \$100 for each lease in addition to any rent. A fee of \$200 must be charged for a lease application that is received after work has begun for the proposed project.

Sec. 2. 12 MRSA §1862, sub-§3, as enacted by PL 1997, c. 678, §13, is amended to read:

3. Easements. The director may grant, upon terms and conditions the director considers reasonable, assignable easements for a term not to exceed 30 years for the use of submerged and intertidal lands for the purposes permitted in subsection 2. The grantee shall pay an administrative fee of ~~\$50~~ \$100 for each easement at the time of processing and a registration fee of \$50 due every 5 years. An administrative fee of \$200 must be charged for an easement application that is received after work has begun for the proposed project. The director may refuse to grant an easement for the use of submerged and intertidal lands if the director determines that the easement will unreasonably interfere with customary or traditional public access ways to or public trust rights in, on or over the intertidal or submerged lands and the waters above those lands. The director may grant an easement for submerged and intertidal lands if a structure:

A. Is for the exclusive benefit of the abutting upland owner for charitable purposes as defined in the United States Internal Revenue Code, Section 501, (c) (3);

B. Occupies a total of not more than 500 square feet of submerged and intertidal land for any lawful purpose and is permanent; or

C. Occupies a total of not more than 2,000 square feet of submerged and intertidal land for the exclusive purpose of commercial fishing activities and is permanent.

Sec. 3. 12 MRSA §1863, sub-§2, as enacted by PL 1997, c. 678, §13, is amended to read:

2. Purpose. The purpose of the fund is to support shore and harbor management improvement activities by providing grants to municipalities. These activities include but are not limited to the development of harbor management plans and public access facilities. A portion of the fund, not to exceed 25% of available revenues, may be used to support management programs on state-owned coastal islands under the jurisdiction of the bureau.

Sec. 4. 12 MRSA §1866, sub-§2, as enacted by PL 1997, c. 678, §13, is amended to read:

2. Eligibility. An abandoned watercraft is subject to removal under this section only under the following conditions.

A. A permit under Title 38, section 9 has not been granted by the municipal board or commission entrusted with harbor management for the area.

B. A landowner has not granted permission to a watercraft owner to abandon a watercraft on that landowner's property.

C. Notice has been given the director within 120 days of ~~abandonment of watercraft~~ the date that the municipal board or commission determines, in its opinion, that the watercraft has been abandoned after July 1, 1993.

~~D. Notice has been given the director before January 1, 1994 of watercraft abandoned for less than 25 years before October 9, 1991.~~

Watercraft that have been abandoned for ~~more than 25 years before October 9, 1991~~ prior to July 1, 1993 are not subject to removal under this section.

The municipal board or commission entrusted with harbor management is responsible for the notice requirements under this subsection.

Sec. 5. 12 MRSA §1866, sub-§4, ¶A, as enacted by PL 1997, c. 678, §13, is amended to read:

A. After notification under subsection 2, the director shall investigate any report of an abandoned watercraft and give notice to the owner if an owner can be identified. The notice must require the owner to respond within 15 days and to remove the watercraft from the coastal waters within 60 days of notification by the director or, if the watercraft is icebound, within 60 days of ice-out in the body of water where the watercraft is located. If the owner of a watercraft to whom the director has given notice does not respond to the notice and remove the watercraft within the time period specified or the owner can not be identified or contacted, the director may initiate removal of the watercraft ~~is considered abandoned.~~

See title page for effective date.

CHAPTER 255

H.P. 1067 - L.D. 1462

An Act To Conform the Maine Tax Laws for 2002 with the United States Internal Revenue Code