

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

Notwithstanding the provisions of this subsection, dissolved oxygen concentrations in existing riverine impoundments must be sufficient to support existing and designated uses of these waters. For purposes of this subsection, "existing riverine impoundments" means all impoundments of rivers and streams in existence as of January 1, 2001 and not otherwise classified as GPA.

See title page for effective date.

CHAPTER 258

H.P. 32 - L.D. 25

An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond

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

Sec. 1. **12 MRSA §7801, sub-§20, ¶¶T and U**, as enacted by PL 2001, c. 638, §3, are amended to read:

T. Operates a motorboat having more than 10 horsepower on Middle Branch Pond in the Town of Waterboro in York County; or

U. Operates a motorboat having more than 10 horsepower on Adams Pond, Foster Pond or Otter Pond in the Town of Bridgton in Cumberland County; or

Sec. 2. **12 MRSA §7801, sub-§20, ¶V** is enacted to read:

V. Operates a motorboat having more than 10 horsepower on Pickerel Pond in the territory of T.32 MD in Hancock County.

See title page for effective date.

CHAPTER 259

S.P. 451 - L.D. 1381

An Act To Regulate the Landlord-tenant Relationship

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

Sec. 1. **14 MRSA §6015**, as amended by PL 1985, c. 293, §4, is further amended to read:

§6015. Notice of rent increase

Rent charged for residential estates may be increased by the lessor only after providing at least ~~30~~ 45 days' written notice to the tenant. A written or oral waiver of this requirement is against public policy and is void. Any person in violation of this section is liable for the return of any sums unlawfully obtained from the lessee, with interest, and reasonable ~~attor-~~ attorney's fees and costs.

See title page for effective date.

CHAPTER 260

H.P. 577 - L.D. 778

An Act To Create the Snowmobile Trail Fund Advisory Council

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

Sec. 1. **5 MRSA §12004-I, sub-§3-B** is enacted to read:

| | | | |
|---------------------|-------------------|--------------------|----------------|
| <u>3-B.</u> | <u>Snow-</u> | <u>Expenses</u> | <u>12</u> |
| <u>Conservation</u> | <u>mobile</u> | <u>for</u> | <u>MRSA</u> |
| | <u>Trail Fund</u> | <u>Nonsalaried</u> | <u>§1893-B</u> |
| | <u>Advisory</u> | <u>or Nonpaid</u> | |
| | <u>Council</u> | <u>Public</u> | |
| | | <u>Members</u> | |
| | | <u>Only</u> | |

Sec. 2. **12 MRSA §1893-B** is enacted to read:

§1893-B. Advisory council established

1. Appointment and composition. The Snowmobile Trail Fund Advisory Council, referred to in this section as "the advisory council" and established by Title 5, section 12004-I, subsection 3-B, consists of 11 members. The director or the director's designee serves as an ex officio member and may vote only to break a tie. The other 10 members are appointed by the commissioner as follows:

A. Three members who represent snowmobile clubs that are Snowmobile Trail Fund grantees;

B. Three members who represent municipal Snowmobile Trail Fund grantees;

C. Two members who represent a statewide organization with an interest in snowmobiling;

D. One member who represents snowmobile business interests; and

E. One member who represents landowner interests.

2. Terms. Members of the advisory council serve for 3 years, except that initially the members appointed under subsection 1, paragraphs A, B and C shall draw lots for 2-year or 3-year terms. Members continue serving until a successor is duly appointed and qualified. A member may not serve more than 2 consecutive 3-year terms. When a vacancy occurs, the commissioner shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory council and that member continues to serve for the remainder of the term. An employee of the department may not serve as a member of the advisory council prior to the expiration of one year from the employee's last day of employment with the department. A Legislator may not serve as a member of the advisory council.

3. Compensation. Advisory council members are entitled to reasonable expenses as provided in Title 5, chapter 379, as approved by the director.

4. Duties. The advisory council shall provide to the director advice and information on the management of the Snowmobile Trail Fund, including, but not limited to:

A. The annual establishment of reimbursement rates for snowmobile club trail grants, municipal snowmobile trail grants and capital equipment grants; and

B. Expenditures that are over \$30,000 for the snowmobile program pursuant to section 1893 and are not part of the regular grant program.

5. Chair; vice-chair. The advisory council shall, during its meeting in August, elect one of its appointed members as chair and one of its appointed members as vice-chair for one-year terms.

6. Meetings. The advisory council shall hold meetings in August and February. The advisory council may also meet at other times at the call of the chair or the director or the director's designee.

7. Public meetings; public comment. All meetings of the advisory council are open to the public and must be held in a location that is convenient for public access. Public comment must be accepted at meetings of the advisory council. Comments may be restricted to subjects before the advisory council at the meeting and consistent with any applicable requirements and limitations of the Maine Administrative Procedure Act.

8. Public notice. Public notice of all advisory council meetings must be in accordance with Title 1, section 406.

See title page for effective date.

CHAPTER 261

S.P. 236 - L.D. 672

An Act Relating to Employees Whose Membership in the Maine State Retirement System is Optional

Sec. 1. 5 MRSA §17652, sub-§2, ¶A, as amended by PL 1995, c. 180, §1, is repealed.

Sec. 2. 5 MRSA §17652, sub-§2, ¶A-1 is enacted to read:

A-1. A person who joins the retirement system under this subsection may purchase service credit for the period during which the person served as an elected official or official appointed for a fixed term but was not a member of the retirement system.

Sec. 3. 5 MRSA §17652, sub-§2-A is enacted to read:

2-A. Reentry. A person whose membership is optional and who becomes a member after having previously withdrawn from the retirement system may purchase service credit for the time served in eligible service as follows. If qualified under both paragraphs A and B, the person may purchase time under both paragraphs.

A. If the person withdrew accumulated contributions at the time of withdrawal, the person may repurchase that prior service credit by repaying those contributions pursuant to section 17703.

B. For the purchase of time for which the person was not a member, the person must pay the amount set forth in section 17704-A.

Sec. 4. 5 MRSA §17652, sub-§4 is enacted to read:

4. Limitation on election to join or rejoin retirement system. Notwithstanding any other law, confidential employees of the Maine Community College System who are not represented in a collective bargaining unit may join or rejoin the system under this section only upon the written authorization of the Board of Trustees of the Maine Community College System. The board of trustees shall authorize the person to join or rejoin the retirement system when the Maine Community College System Office or other Maine Community College System entity that employs the individual seeking to join or rejoin has identified and designated the funds necessary to pay for the cost of that person's joining or rejoining the retirement system.