

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

502, ancillary to the collection of taxes for which warrants have been issued pursuant to Title 36, and may represent the State Tax Assessor in arraignment proceedings in District Court in cases in which a criminal complaint has been filed alleging violation of Title 36, section 2113, 3234 or 5332.

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of the Attorney General may serve civil process and represent the State in District Court in disclosure proceedings pursuant to Title 14, chapter 502.

If the Supreme Judicial Court adopts rules under this section, the rules must include the establishment of standards and a method to certify employees of the Bureau of Unemployment Compensation, the Department of the Attorney General and the Bureau of Revenue Services who may represent the State in court under this section as being familiar with court procedures.

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

Effective May 23, 2003.

CHAPTER 279

H.P. 1043 - L.D. 1424

An Act Relating to the Award of Attorneys' Fees and Damages under the Maine Human Rights Act

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

Sec. 1. 5 MRSA §4622, sub-§1, ¶B, as amended by PL 1993, c. 327, §3, is further amended to read:

B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; or

Sec. 2. 5 MRSA §4622, sub-§1, ¶C, as enacted by PL 1993, c. 327, §4, is amended to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C; or

Sec. 3. 5 MRSA §4622, sub-§1, ¶D is enacted to read:

D. Dismissed the case in error.

See title page for effective date.

CHAPTER 280

H.P. 1064 - L.D. 1456

An Act To Establish the Landowners and Sportsmen Relations Advisory Board

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

Sec. 1. 5 MRSA §12004-I, sub-§49-C is enacted to read:

<u>49-C.</u>	<u>Landowners</u>	<u>Not</u>	<u>12</u>
<u>Inland</u>	<u>and Sports-</u>	<u>Authorized</u>	<u>MRSA</u>
<u>Fisheries</u>	<u>men Relations</u>		<u>§7038</u>
<u>and</u>	<u>Advisory</u>		
<u>Wildlife</u>	<u>Board</u>		

Sec. 2. 12 MRSA §7038 is enacted to read:

§7038. Advisory board established

1. Appointment and composition. The Landowners and Sportsmen Relations Advisory Board, referred to in this chapter as "the advisory board" and established by Title 5, section 12004-I, subsection 49-C, consists of members as follows:

A. Three ex officio members:

- (1) The commissioner or the commissioner's designee;
- (2) The Commissioner of Environmental Protection or the commissioner's designee; and
- (3) The Commissioner of Conservation or the commissioner's designee;

B. Nine members, appointed by the Governor, representing landowners:

- (1) One representative of a statewide small woodland owners association;
- (2) One representative of corporate landowners;
- (3) One representative of a statewide forest products organization;

(4) One representative of a statewide farmers organization;

(5) One representative of a statewide small forest industry organization;

(6) One representative of private landowners who is not affiliated with any of the organizations or associations in this subsection relating to farming, forestry or corporate ownership;

(7) One representative of a statewide tree farm organization;

(8) One representative of land trust organizations; and

(9) One representative of a utility corridor ownership interest;

C. Nine members, appointed by the Governor, representing land users:

(1) One representative of a statewide sportsmen's organization;

(2) One representative of a statewide trapping organization;

(3) One representative of a statewide snowmobile organization;

(4) One representative of a statewide all-terrain vehicle organization;

(5) One representative of a statewide turkey hunters organization;

(6) One representative of a statewide bow-hunters organization;

(7) One representative of a northern Maine sportsmen's organization;

(8) One representative of a southern Maine sportsmen's organization; and

(9) One representative of a statewide environmental organization; and

D. No more than 2 nonvoting, ad hoc members may be appointed by the commissioner upon recommendation of the advisory board. These members must possess expertise or knowledge of the advisory board's purpose and duties and may not be affiliated with any organization or association listed in this subsection.

2. Terms. Members of the advisory board, including the ad hoc members, serve for 3 years, except that, initially, the first 3 landowner representative members appointed and the first 3 land user represen-

tative members appointed serve 3 years; the next 3 landowner representative members appointed and the next 3 land user representative members appointed serve 2 years; and the remaining landowner and land user representative members appointed serve for 1 year. The ad hoc members serve for 3 years. When a vacancy occurs, the Governor shall fill the vacancy by appointing a member from the same category as the member who vacated the advisory board and that member continues to serve for the remainder of the term.

3. Chair; election of board officers. The members of the advisory board shall annually elect one of its members as chair and one of its members as vice-chair.

4. Quorum. A majority of the advisory board members representing landowners and a majority of the advisory board members representing land users combined constitute a quorum.

5. Staffing of advisory board. The department shall provide administrative and staff support to the advisory board.

6. Meetings. The advisory board shall hold quarterly meetings each year. Additional meetings may be held as necessary to conduct the business of the advisory board.

7. Duties. The advisory board shall:

A. Propose changes to or advise the commissioner on landowner-related laws, rules, department policies or other significant landowner and land user issues;

B. Review landowner-related policies and procedures, conduct studies, evaluate programs and make recommendations to the commissioner;

C. Obtain public use of private and public land for recreational activities by assisting with conflict resolution as it pertains to public access issues on both private and public lands and promote greater understanding and cooperation between owners and users of these lands;

D. Review and make recommendations regarding programs administered by other agencies. The commissioner shall coordinate all reviews; and

E. Conduct an organizational review of the advisory board every 5 years. This review must affirm to the department that the advisory board has the membership required by subsection 1 and that the advisory board is fulfilling its duties. If the review determines that the advisory board does not have the correct representational mem-

bership, a subcommittee of the members of the advisory board must be convened to recommend to the commissioner appropriate changes. At any time, the advisory board may recommend to the commissioner ways to improve the advisory board's membership or function and the commissioner shall act upon those recommendations.

See title page for effective date.

CHAPTER 281

S.P. 464 - L.D. 1408

An Act To Refine the Maine Rural Development Statutes

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

Sec. 1. 5 MRSA §13120-A, first ¶, as enacted by PL 2001, c. 703, §6, is amended to read:

The Maine Rural Development Authority, as established by section 12004-F, subsection 18 and referred to in this subchapter as the "authority," is a body both corporate and politic and a public instrumentality of the State established for the purpose of providing loans to communities for the development of commercial facilities on a speculative basis and for serving as ~~lead lender~~ or investor in the acquisition, development, redevelopment and sale of commercial facilities in areas where economic needs are not supported by private investment.

Sec. 2. 5 MRSA §13120-D, sub-§4, as enacted by PL 2001, c. 703, §6, is amended to read:

4. Administration. ~~The board of trustees shall elect one of its members~~ Commissioner of Economic and Community Development shall serve as chair; of the board of trustees. The board of trustees shall elect one member as vice-chair, who shall serve as secretary, one member as treasurer and such other officers as the board of trustees may from time to time consider necessary.

Sec. 3. 5 MRSA §13120-D, sub-§7, as enacted by PL 2001, c. 703, §6, is amended to read:

7. Employees. The authority may employ an executive director and such other technical experts, agents and employees, permanent and temporary, that it requires and may determine their qualifications, duties and compensation. Permanent employees of the authority are eligible to elect to participate in the Maine State Retirement System, the state employee health plan under section 285, any state-deferred compensation plan or any other plan or program adopted by the members to the extent the members

may determine. For required legal services, the authority may employ or retain its own counsel and legal staff.

Sec. 4. 5 MRSA §13120-I, sub-§1, as enacted by PL 2001, c. 703, §6, is amended to read:

1. Authorization. The authority may provide by resolution for the issuance of bonds for the purpose of funding the Community Industrial Buildings Fund, ~~as established in section 13120-O or any successor to the fund,~~ for the construction of proposed commercial facilities and improvement of existing or acquired commercial facilities and for the fulfillment of other undertakings that it may assume. The bonds of the authority do not constitute a debt of the State or of any agency or political subdivision of the State but are payable solely from the revenue of the authority, and neither the faith nor credit nor taxing power of the State or any political subdivision of the State is pledged to payment of the bonds. Notwithstanding any other provision of law, any bonds issued pursuant to this subchapter are fully negotiable. If any member of the board of trustees whose signature appears on the bond or coupons ceases to be a member of the board of trustees before the delivery of those bonds, that signature is valid and sufficient for all purposes as if that member of the board of trustees had remained a member of the board of trustees until delivery.

Sec. 5. 5 MRSA §13120-N, sub-§1, ¶¶C and D, as enacted by PL 2001, c. 703, §6, are amended to read:

C. The authority shall charge interest on loans or funds provided under this section ~~and section 13120-O~~ to the municipality or local development corporation for a community industrial building that remains unoccupied for 3 or more years following completion of the building.

D. The authority shall adopt rules under chapter 375 with respect to:

- (1) The methodology and criteria for allocating funds to community industrial building projects;
- (2) The process through which municipalities and local development corporations must apply for community industrial building funds;
- (3) Rates of interest, the duration of interest payments and any other terms to which municipalities and local development corporations must be subject under this paragraph; and