

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

CHAPTER 489

H.P. 1054 - L.D. 1435

An Act To Clarify Immunity and Workers' Compensation for Search and Rescue Volunteers

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

Sec. 1. 14 MRSA §8102, sub-§1, as amended by PL 1995, c. 196, Pt. D, §1, is further amended to read:

1. Employee. "Employee" means a person acting on behalf of a governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials; volunteer firefighters as defined in Title 30-A, section 3151; emergency medical service personnel; members and staff of the Consumer Advisory Board pursuant to Title 34-B, section 1216; members of the Maine National Guard but only while performing state active service pursuant to Title 37-B; ~~and~~ sheriffs' deputies as defined in Title 30-A, section 381 when they are serving orders pursuant to section 3135; and persons while performing a search and rescue activity when requested by a state, county or local governmental entity, but the term "employee" does not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

Sec. 2. 39-A MRSA §102, sub-§11, ¶F is enacted to read:

F. A person certified by the Director of the Maine Emergency Management Agency within the Department of Defense, Veterans and Emergency Management as a qualified search and rescue worker is an employee of the State within the meaning of this Act while that person is performing search and rescue activity at the request of a state, county or local government entity. In computing the average weekly wage of a certified search and rescue worker injured while performing such activity, the average weekly wage must be taken to be the earning capacity of the injured employee in the occupation in which the employee is regularly engaged.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Departmentwide - Inland Fisheries and Wildlife 0600

Initiative: Allocates funds for the purchase of workers' compensation coverage for search and rescue workers as certified by the Director of the Maine Emergency Management Agency pursuant to the provisions of the Maine Revised Statutes, Title 39-A, section 102, subsection 11, paragraph F.

Other Special Revenue Funds	2003-04	2004-05
Personal Services	\$8,000	\$8,000
Other Special Revenue		
Funds Total	\$8,000	\$8,000

See title page for effective date.

CHAPTER 490

H.P. 976 - L.D. 1322

An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. Supplemental allocations. There are appropriated and allocated from various funds for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the following sums.

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

Initiative: Provides funds to create one limited-period Contract/Grant Specialist position to maintain contracts for State Police by reducing All Other from the lower anticipated cost of mobile data terminals. This position will end on June 18, 2005.

HIGHWAY FUND	2003-04	2004-05
Personal Services	\$34,712	\$36,377
All Other	(34,712)	(36,377)
HIGHWAY FUND TOTAL	<u>0</u>	<u>0</u>

State Police 0291

Initiative: Provides funding for management-initiated reclassifications and range changes.

HIGHWAY FUND	2003-04	2004-05
Personal Services	18,624	18,403
All Other	(18,624)	(18,403)
HIGHWAY FUND TOTAL	<u>0</u>	<u>0</u>

Traffic Safety - Commercial Vehicle Enforcement 0715

Initiative: Provides for the transfer of one Mechanic position from Liquor Enforcement to Traffic Safety - Commercial Vehicle Enforcement to maintain operations.

HIGHWAY FUND	2003-04	2004-05
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	48,249	50,843
All Other	1,000	1,000
HIGHWAY FUND TOTAL	<u>49,249</u>	<u>51,843</u>

Highway Safety DPS 0457

Initiative: Provides for the transfer of one Highway Safety Coordinator position to 100% Federal Fund and one Highway Safety Coordinator position to 50% Other Special Revenue funds.

HIGHWAY FUND	2003-04	2004-05
Positions - Legislative Count	(-1,000)	(-1,000)
Personal Services	(60,986)	(62,360)
HIGHWAY FUND TOTAL	<u>(60,986)</u>	<u>(62,360)</u>

Highway Safety DPS 0457

Initiative: Transfers one Public Service Manager II position and one Clerk Stenographer III position from the Highway Fund to the Federal Expenditures Fund.

HIGHWAY FUND	2003-04	2004-05
Positions - Legislative Count	(-2,000)	(-2,000)
Personal Services	(136,827)	(136,585)
All Other	(2,800)	(2,800)
HIGHWAY FUND TOTAL	<u>(139,627)</u>	<u>(139,385)</u>

FEDERAL EXPENDITURES FUND

Positions - Legislative Count	(2,000)	(2,000)
Personal Services	136,827	136,585
All Other	2,800	2,800

FEDERAL EXPENDITURES FUND TOTAL	<u>139,627</u>	<u>139,385</u>
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PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS

HIGHWAY FUND	(151,364)	(149,902)
FEDERAL EXPENDITURES FUND	139,627	139,385

DEPARTMENTAL TOTAL - ALL FUNDS	(11,737)	(10,517)
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SECRETARY OF STATE, DEPARTMENT OF

Administration - Motor Vehicles 0077

Initiative: Provides for the allocation of funds for one Database Administrator position and one Programmer Analyst position.

HIGHWAY FUND	2003-04	2004-05
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	144,255	151,421
HIGHWAY FUND TOTAL	<u>144,255</u>	<u>151,421</u>

Administration - Motor Vehicles 0077

Initiative: Provides for the deappropriation of funds through the elimination of one vacant Senior Motor Vehicle Investigator position and one vacant Motor Vehicle Investigator position.

HIGHWAY FUND	2003-04	2004-05
Positions - Legislative Count	(-2,000)	(-2,000)
Personal Services	(137,542)	(140,513)
All Other	0	(1,694)
Capital Expenditures	(6,713)	(9,214)
HIGHWAY FUND TOTAL	<u>(144,255)</u>	<u>(151,421)</u>

Administration - Motor Vehicles 0077

Initiative: Provides for an allocation of funds for 8 limited-period Motor Vehicle Service Representative positions in fiscal year 2003-04 and 7 limited-period Motor Vehicle Service Representative positions in fiscal year 2004-05.

HIGHWAY FUND	2003-04	2004-05
Personal Services	328,409	299,450
HIGHWAY FUND TOTAL	<u>328,409</u>	<u>299,450</u>

Administration - Motor Vehicles 0077

Initiative: Provides for the allocation of funds for contractual costs associated with expanded on-line applications.

HIGHWAY FUND	2003-04	2004-05
All Other	82,102	128,336
HIGHWAY FUND TOTAL	<u>82,102</u>	<u>128,336</u>

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2003-04	2004-05
HIGHWAY FUND	410,511	427,786
DEPARTMENTAL TOTAL - ALL FUNDS	410,511	427,786

TRANSPORTATION, DEPARTMENT OF

**Urban-Rural Initiative
Program 0337**

Initiative: To provide for the Urban-Rural Initiative Program transit bonus payment.

HIGHWAY FUND	2003-04	2004-05
All Other	200,000	300,000
HIGHWAY FUND TOTAL	<u>200,000</u>	<u>300,000</u>

**Urban-Rural Initiative
Program 0337**

Initiative: Deallocates funds in the Urban-Rural Initiative Program as a result of the reduction in the Highway Fund.

HIGHWAY FUND	2003-04	2004-05
All Other	(110,608)	(43,272)
HIGHWAY FUND TOTAL	<u>(110,608)</u>	<u>(43,272)</u>

Local Bridges 0355

Initiative: Provides for the elimination of the Town Bridge Improvement program and the transfer of all balances in this program to the Highway and Bridge Improvement program, per Public Law 2001, chapter 314.

HIGHWAY FUND	2003-04	2004-05
Personal Services	(628,268)	(658,132)
All Other	(98,026)	(99,086)
Capital Expenditures	(388,471)	(388,471)
HIGHWAY FUND TOTAL	<u>(1,114,765)</u>	<u>(1,145,689)</u>

**Highway and Bridge
Improvement 0406**

Initiative: Provides for the elimination of the Town Bridge Improvement program and the transfer of all balances in this program to the Highway and Bridge Improvement program, per Public Law 2001, chapter 314.

HIGHWAY FUND	2003-04	2004-05
Personal Services	1,019,567	1,069,921
All Other	48,026	49,086
Capital Expenditures	48,055	27,102
HIGHWAY FUND TOTAL	<u>1,115,648</u>	<u>1,146,109</u>

**TRANSPORTATION, DEPARTMENT OF
DEPARTMENT TOTALS**

HIGHWAY FUND	90,275	257,148
DEPARTMENTAL TOTAL - ALL FUNDS	90,275	257,148

SECTION TOTALS

FEDERAL EXPENDITURES FUND	139,627	139,385
HIGHWAY FUND	349,422	535,032
SECTION TOTAL - ALL FUNDS	\$489,049	\$674,417

PART B

Sec. B-1. Appropriations and allocations.

There are appropriated and allocated from the General Fund and the Highway Fund for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

**Buildings and Grounds
Operations 0080**

HIGHWAY FUND	2003-04	2004-05
Personal Services	\$2,723	\$2,673
All Other	(2,723)	(2,673)
HIGHWAY FUND TOTAL	<u>0</u>	<u>0</u>

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF
DEPARTMENT TOTALS**

HIGHWAY FUND	0	0
DEPARTMENTAL TOTAL - ALL FUNDS	0	0

PUBLIC SAFETY, DEPARTMENT OF

State Police 0291

GENERAL FUND	2003-04	2004-05
Personal Services	7,835	5,476
All Other	(7,835)	(5,476)
GENERAL FUND TOTAL	<u>0</u>	<u>0</u>

HIGHWAY FUND	2003-04	2004-05
Personal Services	13,883	9,323
All Other	(13,883)	(9,323)

HIGHWAY FUND TOTAL	0	0
Highway Safety DPS 0457		
HIGHWAY FUND	2003-04	2004-05
Personal Services	6,806	6,685
All Other	(6,806)	(6,685)
HIGHWAY FUND TOTAL	0	0
PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS		
	2003-04	2004-05
GENERAL FUND	0	0
HIGHWAY FUND	0	0
DEPARTMENTAL TOTAL - ALL FUNDS	0	0
SECRETARY OF STATE, DEPARTMENT OF		
Administration - Motor Vehicles 0077		
HIGHWAY FUND	2003-04	2004-05
Personal Services	12,229	12,268
All Other	(12,229)	(12,268)
HIGHWAY FUND TOTAL	0	0
Administration - Motor Vehicles 0077		
HIGHWAY FUND	2003-04	2004-05
Personal Services	14,835	17,629
All Other	(14,835)	(17,629)
HIGHWAY FUND TOTAL	0	0
SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS		
	2003-04	2004-05
HIGHWAY FUND	0	0
DEPARTMENTAL TOTAL - ALL FUNDS	0	0
TRANSPORTATION, DEPARTMENT OF		
Highway Maintenance 0330		
HIGHWAY FUND	2003-04	2004-05
Personal Services	61,823	49,057
All Other	(61,823)	(49,057)
HIGHWAY FUND TOTAL	0	0
Traffic Service 0331		
HIGHWAY FUND	2003-04	2004-05
Personal Services	31,591	24,940
All Other	(31,591)	(24,940)
HIGHWAY FUND TOTAL	0	0
Bridge Maintenance 0333		
HIGHWAY FUND	2003-04	2004-05
Personal Services	3,699	4,014
All Other	(3,699)	(4,014)

HIGHWAY FUND TOTAL	0	0
Administration and Planning 0339		
HIGHWAY FUND	2003-04	2004-05
Personal Services	90,227	84,156
All Other	(90,227)	(84,156)
HIGHWAY FUND TOTAL	0	0
Highway and Bridge Improvement 0406		
HIGHWAY FUND	2003-04	2004-05
Personal Services	160,159	172,868
All Other	(160,159)	(172,868)
HIGHWAY FUND TOTAL	0	0
Collector Road Program 0505		
HIGHWAY FUND	2003-04	2004-05
Personal Services	948	999
All Other	(948)	(999)
HIGHWAY FUND TOTAL	0	0
TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS		
	2003-04	2004-05
HIGHWAY FUND	0	0
DEPARTMENTAL TOTAL - ALL FUNDS	0	0
SECTION TOTALS		
	2003-04	2004-05
GENERAL FUND	0	0
HIGHWAY FUND	0	0
SECTION TOTAL - ALL FUNDS	\$0	\$0

PART C

Sec. C-1. Appropriations and allocations.

The following appropriations and allocations are made.

OFFICE OF PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY

Office of Program Evaluation and Government Accountability

Initiative: Allocates funds on a one-time basis for the review of departments that receive allocations from the Highway Fund. These funds may be used only for the review of those parts of the following departments that are funded by the Highway Fund: Department of Administrative and Financial Services, Department of Environmental Protection, Department of Public Safety, Department of Transportation and Department of the Secretary of State. The funds in this allocation may be used only if this program receives any combination of other appropriations and allocations to

fund the establishment of this program for fiscal year 2004-05.

HIGHWAY FUND	2003-04	2004-05
All Other	\$0	\$75,000
 HIGHWAY FUND TOTAL	<hr/> \$0	<hr/> \$75,000

PART D

Sec. D-1. 29-A MRSA §517, sub-§1-B is enacted to read:

1-B. Low-speed vehicle. A low-speed vehicle loaned by a dealer to a municipality is exempt from registration fees and is not subject to inspection pursuant to section 1752 but must be registered and must be in compliance with equipment provisions under section 1925.

Sec. D-2. 29-A MRSA §517, sub-§2, as amended by PL 1995, c. 202, §1, is further amended to read:

2. Plates. The Secretary of State shall issue distinctive plates that expire at the end of a 6-year period for state plates and a 10-year period for municipal plates within the semipermanent plate program. Notwithstanding section 501, subsection 11, the Secretary of State shall issue distinctive municipal plates under this subsection to a low-speed vehicle owned by a municipality or loaned by a dealer to a municipality. Vehicles owned by the State may display a marker or insignia, approved by the Secretary of State, plainly designating them as owned by the State.

The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Department of Inland Fisheries and Wildlife or the Department of Conservation with authorization from the department's commissioner. The Secretary of State may issue environmental registration plates to a state-owned vehicle assigned to the Baxter State Park Authority with authorization from the Commissioner of Inland Fisheries and Wildlife in the commissioner's capacity as a member of the Baxter State Park Authority. A state-owned vehicle issued environmental registration plates must display a marker or insignia designating the vehicle as state-owned and is exempt from registration fees and the contribution under section 455, subsection 4.

Sec. D-3. 29-A MRSA §652, sub-§§14 and 15, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

14. Salvage vehicle. A salvage vehicle with a certificate of salvage or other comparable document from another state; ~~and~~

15. Other vehicles. A vehicle required to be registered under section 190, subsection 3 for which a current certificate of title has been issued in another state; ~~and~~

Sec. D-4. 29-A MRSA §652, sub-§16 is enacted to read:

16. Low-speed vehicle. A low-speed vehicle loaned by a dealer to a municipality.

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

Effective June 23, 2003.

CHAPTER 491

S.P. 592 - L.D. 1635

An Act Concerning Illegal Introduction of Fish into Maine Waters

Emergency preamble. **Whereas,** Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the illegal introduction of fish into Maine waters is increasing and the harm to the aquatic environment can be devastating to native fish populations; and

Whereas, enforcement of current regulations pertaining to illegal stocking of fish are problematic as the violations are rarely observed by others, resulting in very low incidence of reports of such illegal activity; and

Whereas, enhancing the penalties and enacting mandatory license suspensions for violations of the current laws related to the possession of live fish species in Maine will improve the ability of enforcement officers to prevent illegal introductions of fish; and

Whereas, it is imperative that this legislation take effect immediately to reduce this devastating harm; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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