

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2004

A. Fifteen dollars if the record is communicated in writing; and

B. Ten dollars if the record is communicated by another method or medium authorized by filing office rule.

2. Filing; registry of deeds. For filing a lien or certificate or notice affecting any lien filed under this chapter, the fee is governed by Title 33, sections 751 and 752.

The filing office receiving a filing under this subsection and subsection 1 shall bill the Internal Revenue Service or other federal agency on a monthly basis for the fees for liens, certificates or notice affecting any lien filed under this chapter.

3. Information; Secretary of State. For responding to a request for information from the filing office, including for communicating whether there is on file any lien, certificate or notice affecting any lien filed under this chapter naming a particular debtor, the fee is:

A. Twenty dollars if the record is communicated in writing; and

B. Twelve dollars if the record is communicated by another method or medium authorized by filing office rule.

The Secretary of State shall use the procedures set forth in Title 11, section 9-1523 to respond to a request for information from the filing office.

4. Information; registry of deeds. For responding to a request for information from the filing office, including for communicating whether there is on file any lien, certificate or notice affecting any lien filed under this chapter naming a particular debtor, the fee is governed by Title 33, section 751.

Sec. 7. 33 MRSA §1907, as enacted by PL 1989, c. 502, Pt. A, §121, is amended to read:

§1907. Uniformity of application and construction

This chapter ~~shall~~ must be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it and to permit the filing office to use a filing system to record and maintain notices of liens, certificates and other notices affecting federal tax liens or other federal liens in a manner authorized by the filing office and to permit federal officials to file notices of liens, certificates and notices affecting those liens upon real or personal property for obligations payable to the United States under the filing system authorized by the filing office.

See title page for effective date.

CHAPTER 519

S.P. 621 - L.D. 1689

An Act To Provide Reciprocal Authority to New Hampshire Marine Patrol Officers To Investigate Potential Terrorist Activities in Maine Waters

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

Whereas, New Hampshire grants Maine marine patrol officers the authority to enter New Hampshire waters of the Piscataqua River and Portsmouth Harbor to help secure New Hampshire from possible terrorist activities; and

Whereas, New Hampshire marine patrol officers must be able to work cooperatively with Maine marine patrol officers in Maine waters of the Piscataqua River and Portsmouth Harbor to help secure Maine from possible terrorist activities; and

Whereas, New Hampshire marine patrol officers currently have no authority to aid Maine marine patrol officers in the investigation and prevention of possible terrorist activities in Maine waters of the Piscataqua River and Portsmouth Harbor; 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:

Sec. 1. 12 MRSA §6025-A is enacted to read:

§6025-A. New Hampshire marine patrol

A member of the New Hampshire marine patrol who, in the course of patrolling the waters of the Piscataqua River or Portsmouth Harbor, observes activity that the officer reasonably suspects may result in loss of life, widespread injury or widespread and severe property damage has authority to enter Maine and has the same authority to investigate, detain and execute an arrest as a Maine marine patrol officer. When a member of the New Hampshire marine patrol is engaged in Maine in carrying out the purpose of this subsection, that member has all the same privileges and immunities as Maine marine patrol officers in addition to privileges and immunities available under New Hampshire law.

The commissioner shall immediately notify the Secretary of State of New Hampshire if this section is repealed or amended to significantly alter its application.

Sec. 2. Contingent repeal date; reciprocal legislation. This Act is repealed if the Maine Commissioner of Marine Resources certifies to the Secretary of State and submits a copy of that certification to the Office of the Revisor of Statutes that the State of New Hampshire has repealed the New Hampshire Revised Statutes Annotated, Title XXII, chapter 270, section 270:12-e or amended that section so that it is no longer substantially the same as the Maine Revised Statutes, Title 12, section 6025-A as enacted in this Act.

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

Effective February 19, 2004.

CHAPTER 520

H.P. 1280 - L.D. 1758

An Act To Correct Certain Errors and Inconsistencies in Marine Resources Laws

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

Sec. 1. 12 MRSA §6030, as enacted by PL 1995, c. 507, §1, is amended to read:

§6030. Department of Marine Resources Educational Fund

1. Fund. There is established the ~~Aquarium and Resource Center at West Boothbay Harbor~~ Department of Marine Resources Educational Fund, referred to in this section as the "fund." The department is authorized to set and receive fees to be deposited in the fund. The fund receives all funds collected by the department from the operation of the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse, including admission fees, the proceeds of sales at the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse and donations, grants or other funds presented to the department for the benefit of the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse and its ~~their~~ educational programs. All money deposited in the fund and the earnings on the money remain in the fund to be used for the management and maintenance of the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island

Living Lighthouse and ~~its~~ their programs that educate the State's children, teachers and visitors about the State's marine resources. Unexpended balances in the fund at the end of the fiscal year do not lapse but must be carried forward to the next fiscal year to be used for the same purpose.

2. Annual report. By February 1st of each year, the commissioner shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over fisheries matters and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The report must detail the amount of money collected in the fund over the course of the prior year and the expense of managing and maintaining the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse and its ~~their~~ programs. The commissioner shall make recommendations concerning how the fund may be increased or expenses reduced or both so that the Aquarium and Resource Center at West Boothbay Harbor and the Burnt Island Living Lighthouse and its ~~their~~ programs become increasingly financially self-sustaining.

Sec. 2. 12 MRSA §6036 is enacted to read:

§6036. Marine Fisheries Research and Development Fund

1. Fund established. The Marine Fisheries Research and Development Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund within the department. Unexpended balances in the fund at the end of the fiscal year may not lapse and must be carried forward to the next fiscal year and used for the purposes of this section.

2. Sources and uses of fund. Revenues from the total gasoline tax revenues credited to the fund under Title 36, section 2903-D may be used for research, development, propagation and management activities of the department. The commissioner may select activities and projects that will be most beneficial to the commercial fisheries of the State as well as the development of sport fisheries in the State. In addition to the revenues derived from the total gasoline tax revenues, the fund may receive money from any source for the purposes of this subsection.

3. Allocations from fund. Expenditures from the fund are subject to legislative approval in the same manner as appropriations from the General Fund. The joint standing committee of the Legislature having jurisdiction over appropriations must approve the allocations.

Sec. 3. 12 MRSA §6410 is enacted to read: