

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

E. An entity may not hold itself out to be a provider of emergency medical dispatch services unless it is licensed as an emergency medical dispatch center.

4. Licensing actions. A ~~certification license~~ is- sued pursuant to this section is deemed a license for the purposes subject to the provisions of sections 90-A and 91-A. Before the board or its subcommittee or staff takes any final action to suspend or revoke a ~~certification license~~ or to refuse to reissue a ~~certification license~~, the board shall contact the bureau for input on the effect of such an action on the E-9-1-1 system and, notwithstanding section 92, may, to the extent necessary for this purpose, disclose to the bureau information that is designated as confidential under section 92.

5. Effect on tort claims. Nothing in this section increases any liability that may arise or be limited under Title 14, chapter 741.

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

Effective April 10, 2007.

CHAPTER 43

H.P. 647 - L.D. 848

An Act To Encourage Greater Public Input into the State Environmental Licensing Process

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

Sec. 1. 38 MRSA §345-A, sub-§5 is enacted to read:

5. Public meetings. At the board's or commissioner's discretion, the board or commissioner may schedule and hold public meetings in the geographic area of a proposed project for the purpose of collecting comments that become part of the record in a pending action. Any such meeting must be held during the period when written public comments may be submitted to the department. This subsection and the conduct of a public meeting do not change any other obligation the department has to hold public hearings that are mandatory by statute or required after a timely request is filed.

See title page for effective date.

CHAPTER 44

H.P. 135 - L.D. 153

An Act To Improve the Control and Prevention of Invasive Plant Infestations

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

Sec. 1. 12 MRSA §10206, sub-§3, ¶C, as amended by PL 2005, c. 12, Pt. III, §2, is further amended to read:

C. All revenues collected under the provisions of this Part relating to watercraft, including chapter 935, including fines, fees and other available money deposited with the Treasurer of State, must be distributed as undedicated revenue to the General Fund and the Department of Marine Resources according to an allocation rate that directly relates to the administrative costs of the Division of Licensing and Registration. Three dollars of each motorized watercraft registration is dedicated to the Department of Inland Fisheries and Wildlife and is not subject to the split with another agency as required under this paragraph. The Legislature shall appropriate to the department in each fiscal year an amount equal to the administrative costs incurred by the department in collecting revenue under this subsection. Those costs must be verified by the Department of Marine Resources and the Department of Administrative and Financial Services. The allocation rate must also allow for any necessary year-end reconciliation and accounting distribution. The allocation rate must be jointly agreed to by the department and the Department of Marine Resources and approved by the Department of Administrative and Financial Services, Bureau of the Budget.

The fees outlined in section 13056, subsection 8, paragraphs A and B for watercraft operating on inland waters of the State each include a \$10 fee for invasive species prevention and control. This fee is disposed of as follows:

(1) Sixty percent of the fee must be credited to the Invasive Aquatic Plant and Nuisance Species Fund established within the Department of Environmental Protection under Title 38, section 1863; and

(2) Forty percent of the fee must be credited to the Lake and River Protection Fund established within the department under section 10257.

Sec. 2. 12 MRSA §13056, sub-§8, ¶A, as amended by PL 2005, c. 12, Pt. III, §38, is further amended to read:

A. For a watercraft requiring or whose owner requests a certificate of number and that is equipped with a motor having a manufacturer's horsepower rating of:

(1) Ten horsepower or less, the fee is \$20 for operating on inland waters of the State and \$10 for operating only on tidal waters of the State;

(2) Greater than 10, but not more than 50 horsepower, the fee is \$25 for operating on inland waters of the State and \$15 for operating only on tidal waters of the State; and

(3) Greater than 50 horsepower but not more than 115 horsepower, the fee is \$31 for operating on inland waters of the State and \$21 for operating only on tidal waters of the State.

Sec. 3. 12 MRSA §13056, sub-§8, ¶B, as amended by PL 2005, c. 12, Pt. III, §38, is further amended to read:

B. For a personal watercraft requiring or whose owner requests a certificate of number and watercraft equipped with a motor having a manufacturer's horsepower rating of 115 horsepower or greater, the fee is \$39 for operating on inland waters of the State and \$29 for operating only on tidal waters of the State.

Sec. 4. 12 MRSA §13058, sub-§1, as amended by PL 2005, c. 477, §25, is further amended to read:

1. Prohibition. A person exempt from the certificate of number requirement pursuant to section 13056, subsection 2, paragraph B may not place or operate a motorboat or personal watercraft on the inland waters of the State unless a valid lake and river protection sticker issued annually under subsection 3 is permanently affixed to each side of the bow above the water line and approximately 3 inches behind the validation sticker required under section 13056. This sticker is nontransferable.

Sec. 5. 12 MRSA §13058, sub-§3, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §364 and affected by §422, is further amended to read:

3. Nonresident lake and river protection sticker; fee. No later than January 1st of each year, the commissioner shall provide each agent authorized to register watercraft or issue licenses with a sufficient quantity of lake and river protection stickers for motorboats and personal watercraft not registered in the State for that boating season. The sticker must be in 2 parts so that one part of the sticker can be affixed to each side of the bow of a motorboat or personal watercraft not registered in the State. The fee for a sticker is \$20 for a motorboat or personal watercraft not registered in the State and \$10 for a motorboat or personal watercraft registered in the State. Each agent shall

retain \$1 for each sticker sold by that agent for which a fee is required. A motorboat or a personal watercraft owned by the Federal Government, a state government or a municipality is exempt from the fee established in this subsection.

Sec. 6. Appropriations and allocations.

The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Licensing Services - Inland Fisheries and Wildlife 0531

Initiative: Incorporating lake and river protection sticker fees into watercraft registration fees will result in Other Special Revenue Funds savings to the Department of Inland Fisheries and Wildlife. Beginning in fiscal year 2007-08, the estimated annual savings in printing and mailing costs will be \$46,000.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	(\$46,000)	(\$46,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	(\$46,000)	(\$46,000)

See title page for effective date.

CHAPTER 45

H.P. 386 - L.D. 503

An Act Regarding the Authority of the Commissioner of Inland Fisheries and Wildlife To Issue Licenses to Beagle Clubs To Trap Snowshoe Hares

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

Whereas, it is important to clarify as soon as possible the authority of the Commissioner of Inland Fisheries and Wildlife to issue licenses as described in this legislation; 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: