

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

J.S. McCarthy Company
Augusta, Maine
1995

~~assistance is needed in searching for missing persons. The director shall immediately inform the Bureau of Marine Patrol of any aircraft that is believed lost over coastal waters of the State and keep the bureau apprised of the progress of the search for that aircraft.~~

See title page for effective date.

CHAPTER 556

S.P. 649 - L.D. 1691

An Act to Amend the Law Allowing the Growth and Sale of Cultivated Ginseng in Maine

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

Whereas, ginseng is a high-value crop that is in demand in other countries; and

Whereas, ginseng is considered to be a threatened species by the United States Fish and Wildlife Service; and

Whereas, the Department of Agriculture, Food and Rural Resources must certify that ginseng offered for sale from Maine is cultivated, thereby protecting the wild ginseng population in the State; and

Whereas, producers of ginseng must turn over confidential business information to the Department of Agriculture, Food and Rural Resources as a requirement of its certification program, which may endanger the security of their plantings; 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. 7 MRSA §2226 is enacted to read:

§2226. Records not public

1. Records. Notwithstanding Title 1, chapter 13, ginseng license applications, the names and addresses of licensees and records required of licensees by the department pertaining to the location of ginseng plantings are confidential and may not be made available for public inspection.

2. Termination of confidentiality. Notwithstanding subsection 1, the confidential status of records designated confidential under subsection 1 terminates when the records are used by the department as evidence for an enforcement action pursuant to this chapter or are subpoenaed in any proceeding to enforce a provision of this chapter, or are used in any prosecution for a criminal violation.

3. Records disclosed by licensee. Notwithstanding subsection 1, a licensee may authorize in writing the disclosure of records designated confidential under subsection 1.

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

Effective March 20, 1996.

CHAPTER 557

H.P. 1250 - L.D. 1712

An Act to Increase the Municipal Share of Dog Licensing Fees

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

Sec. 1. 7 MRSA §3923-A, sub-§2, as amended by PL 1995, c. 409, §5, is further amended to read:

2. Dogs or wolf hybrids incapable of producing young. A dog or wolf hybrid owner shall pay a fee of \$4 to the municipal clerk for each dog or wolf hybrid 6 months of age or older and incapable of producing young. A dog or wolf hybrid is considered incapable of producing young when the owner provides the following:

- A. A written certificate issued by a veterinarian stating that the veterinarian has neutered the dog or wolf hybrid;
- B. A written certificate issued by a veterinarian stating that the veterinarian has examined the dog or wolf hybrid and determined that the dog or wolf hybrid is incapable of producing young; or
- C. A previous license stating that the dog or wolf hybrid is incapable of producing young.

The clerk shall retain \$1 as a recording fee, deposit \$1 in the municipality's animal welfare account established in accordance with section 3945 and pay the remaining \$2 to the department for deposit in the Animal Welfare Fund.

Sec. 2. 7 MRSA §3950-A, first ¶, as amended by PL 1995, c. 490, §18, is further amended to read:

Any mayor, municipal officer, clerk, town or city manager, administrative assistant to the mayor, town or city councilor, dog recorder of unorganized territories, constable, police officer, sheriff or animal control officer who refuses or intentionally fails to perform the duties imposed by chapters 719, 720, 721, ~~723~~ 725 and ~~729~~ 730 and by this chapter commits a civil violation for which a forfeiture of not less than \$10 nor more than \$50 and costs may be adjudged.

See title page for effective date.

CHAPTER 558

H.P. 1267 - L.D. 1742

An Act to Amend the Liquor Licensing Laws

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

Whereas, the professional baseball season will begin on or before June 1, 1996; 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. 28-A MRSA §2, sub-§15, ¶D-1 is enacted to read:

D-1. "Curling club" means any facility offering curling facilities to the public for a fee that has adequate facilities for the sale and consumption of liquor.

Sec. 2. 28-A MRSA §2, sub-§15, ¶M, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

M. "Outdoor stadium" means any commercially operated outdoor facility with 5,000 or more seats designed or used for the playing of any sport or event, ~~which~~ or any outdoor facility with 3,000 or more seats at times when that facility is being used for the playing of professional baseball, that is open to the general public, which charges a fee and ~~which~~ has adequate facilities

for the sale and consumption of wine and malt liquor.

Sec. 3. 28-A MRSA §1004, sub-§3, ¶E-1 is enacted to read:

E-1. Curling clubs:

Sec. 4. 28-A MRSA §1073, as amended by PL 1989, c. 244, §6, is further amended by repealing and replacing the headnote to read:

§1073. Indoor racquet clubs; ice skating clubs; golf club facilities; curling clubs; and bowling centers

Sec. 5. 28-A MRSA §1073, sub-§1, as amended by PL 1989, c. 244, §6, is further amended to read:

1. Issuance of licenses. The ~~commission~~ bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to bowling centers, curling clubs, golf clubs, indoor ice skating clubs and indoor racquet clubs as defined in section 2, subsection 15, paragraphs B-1, D-1, G, J and K respectively.

Sec. 6. 28-A MRSA §1074, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Issuance of licenses. The commission may issue licenses under this section for the sale of wine and malt liquor to be consumed on the premises to outdoor stadiums, as defined in section 2, subsection 15, paragraph M. A concessionaire or lessee may be issued a license under this section, regardless of whether it controls the premises, as long as that concessionaire or lessee complies with the notice provisions applicable to qualified catering services in section 1076, subsection 7 prior to exercising the license.

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

Effective March 20, 1996.

CHAPTER 559

H.P. 1302 - L.D. 1783

An Act to Repeal the Sunset and Reporting Requirements Regarding Transportation of Unscheduled Freight in Casco Bay