

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

477, §1, is further amended to read:

§ 53. Officers; terms; quorum; compensation; records

The commission shall elect one of its members to be chairman and may, from time to time, change such designation. An ex officio member of the commission shall hold office so long as he shall hold the office by virtue of which he is serving on the commission. The elected members of the commission shall serve for a term of 4 years from the date of their election and until their successors have been elected and qualified, except that of those first elected, the representatives from areas one, 2, 3 and 4 shall serve for terms of one, 2, 3 and 4 years, respectively. Upon the expiration of the term of office of, or in the case of a vacancy in, the office of an elected member, his successor shall be elected in the same manner, and from the same area, as the retiring member was elected. A majority of the commission shall constitute a quorum, and the concurrence of a majority of the said quorum in any matter within their duties shall be required for its determination. The chairman and members of the commission shall receive no compensation for their services on the commission, but shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the commission, if and when funds are available. The commission shall provide for the keeping of an accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.

Effective September 23, 1983.

CHAPTER 100

H.P. 897 - L.D. 1149

AN ACT Pertaining to the Licensing of Guides.

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

Sec. 1. 12 MRSA §7301, sub-§1-A, as enacted by PL 1979, c. 543, §26, is amended to read:

1-A. Rules. The board of examiners shall make such rules pertaining to the licensing of guides as it deems necessary, including safety standards to provide the clients of guides reasonable protection from hazards.

Sec. 2. 12 MRSA §7301, sub-§3, as repealed and replaced by PL 1979, c. 543, §26, is repealed and the following enacted in its place:

3. Application. Any person wishing to be licensed as a Maine guide shall submit an application on such forms as the commissioner may provide.

In addition to other relevant information, the commissioner may require statements that the applicant is competent; has no habitual intemperance in the use of alcohol, habitual use of narcotic, hypnotic or other drugs listed as controlled substances by the Drug Enforcement Administration; and has not received and retained a fee from a party and then failed to meet that party as agreed or failed to provide the services agreed to.

The commissioner may adopt rules to establish standards of competency which shall be provided to each applicant and other rules necessary to administer this subsection.

Failure or refusal to satisfactorily answer any question in the application shall be a basis for denying the application.

The board shall act on all applications within 5 working days of receipt, and shall notify all applicants at least 2 weeks prior to the examination.

Sec. 3. 12 MRSA §7301, sub-§4, as repealed and replaced by PL 1979, c. 543, §26, is amended to read:

4. Examinations. All persons who have not held a guide's license prior to January 1, 1980, shall be required to pass an examination as directed by the board of examiners. Examinations shall be held in areas designated by the commissioner.

In addition, the commissioner may require any licensed guide to be examined or reexamined if the commissioner receives written complaint and upon investigation believes that the statements made by the applicant on his application are no longer true.

Sec. 4. 12 MRSA §7301, sub-§7-A, as enacted by PL 1979, c. 543, §26, is amended to read:

7-A. Renewal. A guide whose license is not suspended or revoked may renew that license annually upon the payment of the annual fee. Completion Except as required in subsection 4, completion and passage of the guide's examination is not a requirement for renewal.

Sec. 5. 12 MRSA §7301, sub-§8, as amended by PL

1981, c. 120, is repealed and the following enacted in its place:

8. Restrictions. Guides shall be restricted in the use of watercraft while guiding on such waters as the commissioner may prescribe.

The commissioner may establish, by rule, standards for the use by a guide, of watercraft other than a motorboat, to insure that the watercraft is safe for the use intended, that sufficient safety equipment is provided to each passenger and the operator is competent to use the watercraft.

Guides using a motorboat shall have either a valid license to operate a motorboat carrying passengers for hire issued by the Bureau of Watercraft Registration and Safety, or a valid superior United States Coast Guard license. Guides leading trips, as defined in section 7303, subsection 1, shall comply with the provisions of that section, with the exception of subsection 5 dealing with fee.

Sec. 6. 12 MRSA §7301, sub-§10 is enacted to read:

10. License revocation or suspension. The commissioner may initiate proceedings in the Administrative Court to revoke or suspend a license when it is found upon investigation that the guide has made false statements in his application, fails to meet the standards for competency or has operated a watercraft for passengers that does not meet the safety standards established by rule or failed the examination or reexamination required by subsection 4.

Effective September 23, 1983.

CHAPTER 101

S.P. 225 - L.D. 662

AN ACT to Expand the Scope of the State
Salary Commission to include Members of
the Judiciary, Constitutional and Legislative
Officers.

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

3 MRSA §2-A, sub-§2, as enacted by PL 1981, c. 498, §1, is amended to read: