

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND TWELFTH LEGISLATURE

**SECOND REGULAR SESSION**  
January 8, 1986 to April 16, 1986

**SECOND SPECIAL SESSION**  
May 28, 1986 to May 30, 1986

AND AT THE

**THIRD SPECIAL SESSION**  
October 17, 1986

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND TWELFTH LEGISLATURE  
1985

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§2962. Administrative enforcement

When the commission, after such investigation as it deems appropriate, believes that a violation of this chapter or of any rule, order or decision of the commission has occurred, it may order any person to cease that violation. Before issuing such an order, the commission shall afford any person who would be aggrieved by the order an opportunity for a hearing. In any such investigation or hearing, the commission may exercise all of the powers given to it by section 2953. Any person aggrieved by a final order issued under this section may obtain judicial review of the order in Superior Court by filing a petition in accordance with Title 5, section 11001, and the Maine Rules of Civil Procedure, Rule 80C. In responding to such a petition, the commission may seek enforcement of its order, including civil penalties for any violation found, and the court, if it upholds the order, may order its enforcement, including civil penalties.

Nothing in this section is intended to require that the commission take administrative enforcement action prior to seeking judicial relief for any violation of this chapter or of any rule, order or decision of the commission, nor intended to limit the commission's ability to bring an independent action to enforce any decision or order issued by it, including civil penalties for any violation found by it.

Effective July 16, 1986.

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**CHAPTER 718**

S.P. 916 - L.D. 2286

AN ACT to Modify and Update Certain Laws  
Pertaining to Inland Fisheries and  
Wildlife.

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

Sec. 1. 12 MRSA §7001, sub-§23-A, as enacted by PL 1981, c. 461, §1, is amended to read:

23-A. Muzzle-loading firearm. "Muzzle-loading firearm" means a ~~rifle~~ rifled or smooth-bored firearm that is:

- A. Forty caliber or greater;
- B. Capable of firing only a single charge;
- C. Equipped with a barrel 20 inches or more in length;
- D. Loaded through the muzzle with powder and a ball or bullet; and
- E. Ignited by a percussion cap or priming charge of a flint, match or wheel lock mechanism.

Sec. 2. 12 MRSA §7035, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

2. Filing of rules. The commissioner may file certified copies of all rules promulgated by him and any and all amendments thereto with the ~~clerk~~ clerks of ~~all the District Courts Court and Superior Courts~~ in the State in which these rules are applicable Court. These certified copies shall be considered official publications of the State for all purposes, including, but not limited to, the Maine Rules of Civil Procedure, Rule 44(a)(1) and the Maine Rules of ~~Criminal Procedure, Rule 27~~ Evidence, Rule 902 (5), and judicial notice shall be taken accordingly. A facsimile of the signature of the commissioner imprinted by or at his discretion upon any such certificate of true copy shall have the same validity as his written signature.

Sec. 3. 12 MRSA §7108, sub-§6, as enacted by PL 1983, c. 401, is repealed.

Sec. 4. 12 MRSA §7231, sub-§4, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 5. 12 MRSA §7301, sub-§4-A is enacted to read:

4-A. Examination fee. The commissioner shall charge a fee of \$10 to each person scheduled to take an examination to become licensed as a guide. This fee shall permit the person to retake the examination once, if he fails the first examination. This fee shall be nonrefundable and shall be credited to the license fee of a successful applicant.

Sec. 6. 12 MRSA §7301, sub-§8, as repealed and replaced by PL 1983, c. 100, §5, is amended to read:

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 commissioner, 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. 7. 12 MRSA §7369, sub-§10, ¶E is enacted to read:

E. On the several days in the months of April and May when special water releases are scheduled to be made from the Flagstaff Dam to permit whitewater rafting on the Dead River, commercial whitewater rafting trips may be transferred from the Dead River to the Kennebec River whenever high-water or low-water conditions render use of the Dead River unsafe or inappropriate for commercial whitewater rafting trips.

Sec. 8. 12 MRSA §7432, sub-§2, as repealed and replaced by PL 1979, c. 723, §17, is amended to read:

2. Failure to visit traps. A person is guilty of failure to visit traps if he:

A. While trapping in any organized or incorporated place, fails to visit each trap except beaver sets, so-called, or fails to cause the same to be visited at least once in every calendar day including Sunday; or

B. While trapping in any unorganized or deorganized place, fails to visit each trap, except water sets and killer-type traps, so-called, or fails to cause the same to be visited at least once in every 72-hour period; or

C. While trapping in any unorganized or deorganized place, fails to visit each

killer-type trap, except water sets, so called, or fails to cause the same to be visited at least once in every 7 calendar days.

Sec. 9. 12 MRSA §7455, first ¶, as amended by PL 1985, c. 369, §19, is further amended to read:

The open season on hunting partridge shall not extend any later than November 30th in any calendar year in Wildlife Management Units 1, and 2, 3, 4 and 5, nor any later than December 10th in any calendar year in Wildlife Management Units 3, 4, 5, 6, 7 and 8, except as provided in subsection 1.

Effective July 16, 1986.

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## CHAPTER 719

H.P. 1598 - L.D. 2251

### AN ACT to Prohibit Mandatory Retrospective Rating in Workers' Compensation Insurance Policies.

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

Sec. 1. 24-A MRSA §2343, sub-§2, as enacted by PL 1985, c. 372, Pt. B, §5, is amended to read:

2. Retrospective premium adjustments. Insurers may file rating plans that provide for retrospective premium adjustments based on an insured's past experience.

In both the voluntary market and the residual market, retrospective rating plans shall be voluntary and at the option of the insured. No rating organization or insurer may require the utilization of a retrospective rating plan without the prior consent of the insured.

Sec. 2. 24-A MRSA §2350, sub-§1, ¶E, as enacted by PL 1985, c. 372, Pt. B, §5, is amended to read:

E. An employer is eligible for insurance from the Accident Prevention Account if:

(1) He has a loss ratio greater than 1.00 over the last 3 years for which data is available; and