

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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have a tremendous impact on outdoor recreation and tourism; 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 §7771, sub-§1, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. In the waters so set apart, the commissioner and persons acting under his authority in their respective fish culture and scientific work may take fish at any time or in any manner, and erect and maintain any fixtures necessary for these purposes. In no instance may the commissioner permit the taking of fish by explosive, poisonous or stupefying substances, except for the use of registered fish toxicants for reclamation purposes.

Sec. 2. 12 MRSA §7771, sub-§4 is enacted to read:

4. Gill nets. Department personnel may use gill nets under the following constraints.

A. Notwithstanding section 7621, the department may use gill nets in inland waters provided that:

(1) When requested by another agency to undertake a gill netting project, the department shall be reimbursed by that agency for all costs relating to the gill netting project;

(2) Both ends of the net are marked with buoys which are clearly visible from a distance of 300 feet and which identify the department; and

(3) The results of each netting are forwarded on a weekly basis to the office of the commissioner where records shall be available for public inspection.

B. Any person not complying with the restrictions set forth under this subsection shall be guilty of a prohibited act.

C. The department shall provide the Legislature with a report on the use of gill nets by department personnel and any violations of this subsection by March 1, 1989. This subsection is repealed on October 1, 1989.

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

Effective June 8, 1987.

## CHAPTER 242

H.P. 1212 — L.D. 1654

### AN ACT to Amend Certain Laws Relating to the Department of Environmental Protection.

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

38 MRSA §584-A, sub-§2, ¶A and B, as enacted by PL 1971, c. 570, are amended to read:

A. Sulfur dioxide concentration for any 3-hour period at any location shall not exceed 1150 micrograms per cubic meter, except once per year.

B. Sulfur dioxide concentration for any 24-hour period at any location shall not exceed 230 micrograms per cubic meter, except once per year.

Effective September 29, 1987.

## CHAPTER 243

S.P. 487 — L.D. 1469

### AN ACT to Clarify Licensing Definitions under the Laws Related to the Board of Pesticides Control.

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

Sec. 1. 22 MRSA §1471-C, sub-§5, as amended by PL 1981, c. 374, §1, is further amended to read:

5. Commercial applicator. "Commercial applicator" means any person, except a government pesticide supervisor, whether or not the person is a private applicator with respect to some uses, who uses or supervises the use of any limited or restricted-use pesticides on any property other than as provided by subsection 22, or who uses general-use pesticides in custom application on such property. "Commercial applicator" also includes individuals who apply any pesticides in connection with their duties as officials or employees of federal, state or local governments. The board may by rule provide for exemptions from licensing requirements and for reduced licensing requirements for classes of commercial applicators of general-use pesticides applied by hand or non-powered equipment, provided that the board finds that applications by those classes do not pose a significant risk to health or the environment and the requirement of licensing does not serve a meaningful public purpose.

Sec. 2. 22 MRSA §1471-C, sub-§5-A, as enacted by PL 1977, c. 20, §2, is amended to read:

5-A. Custom application. "Custom application"

means any application of any pesticide ~~for hire under contract or for which compensation is received or any application of a pesticide to a property open to use by the public.~~

Sec. 3. 22 MRSA §1471-C, sub-§24, as enacted by PL 1975, c. 397, §2, is amended to read:

24. Under the direct supervision of a certified applicator. "Under the direct supervision of a certified applicator," unless otherwise prescribed by its labeling, means the act or process by which a pesticide is applied by a competent person acting under the instructions and control of a certified applicator who is available, if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied. In the case of an application made by a commercial applicator, the certified applicator must be physically present at the time and on the site of the application.

Effective September 29, 1987.

## CHAPTER 244

S.P. 274 — L.D. 784

### AN ACT Relating to Check Cashing.

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

10 MRSA c. 202-A is enacted to read:

#### CHAPTER 202-A

##### PAYMENT BY NEGOTIABLE INSTRUMENT

§1131. Limitation on requests for certain types of identification

No person accepting a negotiable instrument as payment in full or in part for goods or services may require the payor to use a bank credit card as a form of identification if the payor does not possess a bank credit card. This section does not limit the other reasonable forms of identification a payee may require before accepting a negotiable instrument.

Effective September 29, 1987.

## CHAPTER 245

H.P. 649 — L.D. 877

### AN ACT to Require the Use of Seat Belts for Children 12 Years of Age and Younger.

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

29 MRSA §1368-C is enacted to read:

§1368-C. Use of seatbelts; children 4 to 12 years of age

1. Children 4 to 12 years of age. When a child 4 years of age or older, but less than 12 years of age, is a passenger in a motor vehicle, which is required by the United States Department of Transportation to be equipped with seat belts, the operator of the motor vehicle shall have the child properly secured in a seat belt or in a child safety seat that meets the requirements set out in 49 Code of Federal Regulations, Part 571.

2. Exception. Subsection 1 does not apply when the number of passengers exceeds the seating capacity of the vehicle.

3. Warnings. Any person stopped for a violation of this section, during the initial 6 months after this section takes effect, shall be issued a warning that a violation of this section has occurred.

4. Penalty. Following the initial 6-month warning period, violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation may be adjudged.

5. Failure to secure child; use as evidence. Failure to secure a child, in accordance with this section, may not be considered negligence imputable to the child, nor may that failure be admissible as evidence in any civil or criminal action.

Effective September 29, 1987.

## CHAPTER 246

S.P. 283 — L.D. 793

### AN ACT to Provide a Bill of Rights for Persons with Long-term Mental Illness.

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

Sec. 1. 34-B MRSA §3003, sub-§2, ¶¶J and K, as enacted by PL 1983, c. 459, §7, is amended to read:

J. The right to assistance in protecting a right or advocacy service in the exercise or protection of a right; and

K. Provisions for a fair, timely and impartial grievance procedure for the purpose of ensuring appropriate administrative resolution of grievances with respect to infringement of rights; and

Sec. 2. 34-B MRSA §3003, sub-§2, ¶L is enacted to read:

L. To the extent that state and community resources