

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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

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Augusta, Maine
1989

PUBLIC LAWS
OF THE
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5; of section 7406, subsection 10, when the wild animal or bird was taken in violation of section 7406, subsection 5; of section 7458, subsection 1; ~~or 2 or 3~~; or of section 7464, subsection 1; ~~or 2 or 8~~, is a Class D crime, provided that the convicted person shall be imprisoned for not less than 3 days for the first offense and for not less than 10 days for each succeeding offense, this imprisonment not to be suspended, and shall be fined not less than \$1,000, this fine not to be suspended.

Sec. 3. 12 MRSA §7901, sub-§2-A, as enacted by PL 1987, c. 89, §2, is amended to read:

2-A. Bear. A violation of section 7406, subsection 1, as it applies to bear, or section 7452, subsection 3; ~~or 4 or 9~~ is a Class D crime. A convicted person shall be imprisoned for not more than 180 days and shall be fined not less than \$1,000. This fine is not to be suspended.

Sec. 4. 12 MRSA §7901, sub-§3, as enacted by PL 1979, c. 420, §1, is amended to read:

3. Fish. A violation of any of the acts prohibited in chapter 711, subchapter III, fishing violations, is a Class E crime, except that in addition to any penalty which the court might impose, a convicted person shall be fined ~~\$5~~ **\$20** for each fish illegally possessed, this fine not to be suspended.

Sec. 5. 12 MRSA §7901, sub-§8, as amended by PL 1987, c. 89, §5, is further amended to read:

8. Wild turkey. A violation of section 7469, subsection 1; ~~or 2 or 9~~ is a Class E crime. A convicted person shall be fined not less than \$500 and this fine is not to be suspended. In addition, a convicted person shall be fined \$500 for each turkey illegally possessed or killed and this fine is not to be suspended.

Sec. 6. 12 MRSA, §7901, sub-§13 is enacted to read:

13. Selling or buying wild birds or wild animals. Selling or buying wild birds or wild animals is a Class D crime. A convicted person shall be imprisoned for not less than 10 days for a first offense and not less than 20 days for each succeeding offense, this imprisonment not to be suspended, and shall be fined not less than \$1,000, this fine not to be suspended.

A person is guilty of selling or buying wild birds or wild animals if that person:

A. Buys or sells bear in violation of section 7452, subsection 9;

B. Sells wild birds in violation of section 7456, subsection 5;

C. Buys or sells deer in violation of section 7458, subsection 3;

D. Buys or sells moose in violation of section 7464, subsection 8; or

E. Buys or sells wild turkey in violation of section 7469, subsection 9.

See title page for effective date.

CHAPTER 253

H.P. 825 - L.D. 1157

An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Unlawful Furnishing

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

17-A MRSA §1106, sub-§3, as amended by PL 1987, c. 535, §4, is further amended to read:

3. A person shall be presumed to be unlawfully furnishing a scheduled drug if ~~he~~ the person intentionally or knowingly possesses more than 1 1/2 ounces of marijuana, ~~44~~ 7 grams or more of cocaine or ~~44~~ 2 grams or more of heroin.

See title page for effective date.

CHAPTER 254

H.P. 544 - L.D. 741

An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities

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

Sec. 1. 17 MRSA §331, sub-§7, as amended by PL 1987, c. 402, Pt. B, §§16 and 17, is repealed and the following enacted in its place:

7. Special exempt raffles; prizes from \$10,000 to \$25,000. The following rules apply to special exempt raffles licensed under this subsection.

A. Except as provided in subsection 8, the Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000. Section 341 does not apply to raffles licensed under this section.

B. The Chief of the State Police may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000.

C. All tickets sold pursuant to a special exempt raffle license shall be purchased from a licensed distributor or licensed printer. Tickets shall be sequentially numbered and have printed on their faces the following information: the name of the special exempt raffle licensee; a description of the prize or prizes; the price of the ticket; and the date, time and place of the drawing. Any organization, department or class listed in subsection 6 that conducts a raffle under section 331-A shall retain all unsold raffle tickets for 6 months after the raffle drawing and make those tickets available for inspection at the request of the Chief of the State Police.

Sec. 2. 17 MRSA §331, sub-§8 is enacted to read:

8. Special exempt raffles; prizes from \$10,000 to \$75,000. The following rules apply to special exempt raffles licensed under this subsection.

A. The Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$75,000. Section 341 does not apply to raffles licensed under this section.

B. The Chief of the State Police may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000.

C. All tickets sold pursuant to a special exempt raffle license shall be purchased from a licensed distributor or licensed printer. Tickets shall be sequentially numbered and have printed on their faces the following information: the name of the special exempt raffle licensee; a description of the prize or prizes; the price of the ticket; and the date, time and place of the drawing. Any organization, department or class listed in subsection 6 that conducts a raffle under section 331-A shall retain all unsold raffle tickets for 6 months after the raffle drawing and make those tickets available for inspection at the request of the Chief of the State Police.

D. The Chief of the State Police may issue only one special exempt raffle license per year, either under this subsection or subsection 7, to the same organization, department or class listed in subsection 6.

E. This subsection is repealed on July 1, 1991.

Sec. 3. 17 MRSA §331-A, sub-§1, as enacted by PL 1987, c. 190, §4, is amended to read:

1. Special exempt raffle licensees. The holder of a special exempt raffle license issued under section 331, subsection 7, may conduct or operate one raffle per year in which the holder of a winning chance receives something of

value worth more than \$10,000 but not more than \$25,000. The holder of a special exempt raffle license issued under section 331, subsection 8, may conduct or operate one raffle per year in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$75,000. The holder of a special exempt raffle license issued under section 331, subsection 7 or 8, may not conduct or operate a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000.

Sec. 4. 17 MRSA §337, as amended by PL 1985, c. 93, §1, is further amended to read:

§337. Distributor

No distributor may sell, market or otherwise distribute gambling apparatus or implements unless licensed by the Chief of the State Police, except that no license is required for the sale, marketing or distribution of raffle tickets when the holder of the winning chance receives something of value worth less than \$10,000.

Every nonresident manufacturer or distributor of gambling apparatus or implements doing business in the State of ~~Maine~~ shall have a Maine agent who must be licensed as a distributor.

No distributor may sell, market or otherwise distribute gambling apparatus or implements to any person or organization, except to persons or organizations licensed to operate or conduct games of chance under section 332, licensed to conduct a special exempt raffle under section 331, subsection 7 or 8, or eligible to conduct a raffle pursuant to section 331, subsection ~~2~~ 6. No distributor may lease or loan or otherwise distribute free of charge any gambling apparatus or implements to any organization eligible to operate a game of chance.

Every licensee shall acquire all gambling apparatus and implements from a distributor licensed under this section, unless that gambling apparatus or implements are printed, manufactured or constructed by the licensed organization. At no time ~~shall~~ may any licensee print, manufacture or construct any gambling implements or apparatus for distribution to any other licensee. The applicant for a distributor's license, or if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Chief of the State Police on forms furnished by ~~him~~ the Chief of the State Police. The Chief of the State Police shall furnish each applicant with a current copy of this chapter and the rules adopted under section 343. The Chief of the State Police shall furnish each licensee with a copy of any changes or additions to this chapter and the rules adopted under section 343.

Sec. 5. 17 MRSA §338, as amended by PL 1985, c. 93, §2, is further amended to read:

§338. Printer

~~Except as provided in section 337, no~~ No Maine printer may print materials to be used in the conduct of a

licensed game of chance unless licensed by the Chief of the State Police. A printer licensed under this section may act as ~~his own~~ a distributor without having to be licensed as a distributor providing neither ~~he~~ the printer nor anyone in his the printer's behalf acts as a salesman seller for his services connected with a game of chance outside of the confines of his the printer's premises described in his that printer's license. If such that printer or someone else acts as a salesman seller for his the printer's services in connection with a game of chance outside of the premises described in his that printer's license, either such that printer or any person or persons acting in his that printer's behalf must be licensed as a distributor.

The applicant for a printer's license, or if the applicant is a firm, corporation, association or other organization, its resident manager, superintendent or official representative shall file an application with the Chief of the State Police on forms furnished by him the Chief of the State Police. The Chief of the State Police shall furnish each applicant with a current copy of this chapter and the rules adopted under section 343. The Chief of the State Police shall furnish each licensee with a copy of any changes or additions to this chapter and the rules adopted under section 343.

See title page for effective date.

CHAPTER 255

S.P. 330 - L.D. 867

An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases

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

22 MRSA §3755-A is enacted to read:

§3755-A. Disclosure of information in medical support recoupment and child support cases

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Assets" means any interest in real or personal property.

B. "Dependent child" has the same meaning as in Title 19, section 493.

C. "Earnings" has the same meaning as in Title 19, section 493.

D. "Medicaid recipient" means an individual authorized by the department to receive services under the provisions of the United States Social Security Act, Title XIX and successors to it.

E. "Person" has the same meaning as in Title 19, section 493.

F. "Responsible parent" has the same meaning as in Title 19, section 493.

2. Request for information concerning responsible parents. Except as provided in subsection 5, the department may request of any person information relating to the following matters concerning a responsible parent or alleged responsible parent:

A. Complete name;

B. Social security number;

C. Date and place of birth;

D. Present and past employment status;

E. Earnings;

F. Current or last known address;

G. Assets;

H. Availability and description of present or previous health insurance coverage for a dependent child; and

I. Health insurance benefits paid or applied for under a policy of health insurance for a dependent child.

3. Request for information concerning present and former Medicaid recipients. The department may request of any person information relating to the following matters concerning a present or former Medicaid recipient:

A. Availability and description of health insurance coverage for a present or former Medicaid recipient; and

B. Health insurance benefits paid or applied for under a policy of health insurance for a present or former Medicaid recipient.

4. Demand for information. If a response to a request under subsection 2 or 3 is not received by the department within 2 weeks of its mailing by regular mail, the department may serve a demand upon the person to whom the request was directed for the information sought. The demand may be served by certified mail, return receipt requested, or by service in hand as specified in the Maine Rules of Civil Procedure, except that a demand may be served by any authorized representative of the commissioner.

5. Limitation. If an alleged responsible parent is a putative father of a child conceived and born out of wedlock, a request or demand shall be limited to information relating to the following matters concerning the alleged responsible parent: