

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Sec. 2. 12 MRSA §§7701-C and 7701-D are enacted to read:

§7701-C. Violations; penalty

It shall be considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation.

§7701-D. Rules

The Department of Marine Resources and the Department of Inland Fisheries and Wildlife shall jointly make rules defining "fish kill."

See title page for effective date.

CHAPTER 276

S.P. 650 - L.D. 1745

An Act Regarding Confirmation of Nominees to the Adaptive Equipment Loan Program Board

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

Whereas, the Adaptive Equipment Loan Program was established by Public Law 1987, chapter 817, which also established the Adaptive Equipment Loan Program Fund Board; and

Whereas, that law required that board members be appointed by the Governor and confirmed by the Legislature but did not specify the legislative committee to review the nominations; and

Whereas, the Governor has now posted nominations to the board which require action by a committee of the Legislature, and a committee must therefore be specified in statute; 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:

10 MRSA §373, sub-§1, as enacted by PL 1987, c. 817, §2, is amended to read:

1. Establishment; membership. There is established the Adaptive Equipment Loan Program Fund Board which shall consist of 9 members as follows: The Commissioner of Human Services or the commissioner's designee;

the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all to be appointed by the Governor, subject to review of the Joint Standing Committee of the Legislature having jurisdiction over Housing and Economic Development, and confirmed by the Legislature. The board shall annually elect a chair from among its members.

Effective June 13, 1989.

CHAPTER 277

H.P. 146 - L.D. 198

An Act to Promote Coyote Control

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

Sec. 1. 12 MRSA c. 709, sub-c. IV-A is enacted to read:

SUBCHAPTER IV-A

COYOTE AWARD PROGRAM

§7521. Coyote Award Program

1. Award program established. The commissioner shall, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, establish a Coyote Award Program for coyotes killed within the State. The program shall include the following awards for killed coyotes during the time established by the commissioner for the program:

- A. Largest female coyote killed.....\$1,500;
- B. Largest male coyote killed.....\$1,000;
- C. Most female coyotes killed.....\$500;
- D. Most male coyotes killed.....\$500;
- E. Most total coyotes killed.....\$1,000; and
- F. Drawing from all entries.....\$500.

2. Payment. At the conclusion of the program, the commissioner shall pay from the funds derived from the sale of the supersport license to the individual determined by the commissioner to have qualified as the winner in each of the categories set out in subsection 1, paragraphs A to F, an amount equal to the award set out for that category in subsection 1.

3. Rule. The commissioner may establish, by rule promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, procedures for applica-

tions for awards and for certification of the number, sex and size of coyotes killed.

4. Eligibility. Employees of the department, including part-time and seasonal employees, and agents of the animal damage control program, including those who are not compensated, are not eligible to participate in any aspect of this program.

5. Repeal. This subchapter is repealed on September 30, 1990.

Sec. 2. Allocation. The following funds are allocated from the dedicated revenue of the Department of Inland Fisheries and Wildlife to carry out the purposes of this Act.

1990-91

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

**Resource Management - Inland Fisheries
and Wildlife**

All Other \$5,000

Provides funds for recipients of the proposed coyote award program.

See title page for effective date.

CHAPTER 278

H.P. 1076 - L.D. 1498

**An Act Regarding Documentation of Rabies Shots
for Dogs Brought into This State**

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

7 MRSA §3923, sub-§4, as enacted by PL 1987, c. 383, §3, is amended to read:

4. Rabies tag. The rabies tag obtained from a veterinarian for immunization against rabies shall be securely attached to a collar of leather, metal or material of comparable strength which shall be worn by the dog for which the tag was issued, except when hunting, in training or when used in exhibitions. When the dog is hunting, in training or in an exhibition, its owner or keeper shall produce proof of licensure in this State, or if the dog is brought to this State from another state for hunting, training or exhibiting, proof of rabies immunization, within 24 hours upon request by a humane agent, animal control officer or law enforcement officer, including a game warden.

See title page for effective date.

CHAPTER 279

H.P. 1019 - L.D. 1420

**An Act to Clarify that Municipal Police Officers
Need Not Be Residents of the State**

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

Whereas, there is currently some ambiguity in the law concerning the residency requirement for police officers; and

Whereas, this uncertainty must be clarified immediately to ensure public safety; 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. 30-A MRSA §2671, sub-§1, ¶C is enacted to read:

C. Notwithstanding section 2526, residency in the State is not a condition of initial or continued appointment as a municipal police officer.

Sec. 2. 30-A MRSA §2676 is enacted to read:

§2676. Interstate police assistance

A duly authorized police officer of a neighboring state may exercise all statutory authority under section 2671 within this State, provided that the chief law enforcement officer of the requesting municipality has executed with the chief law enforcement officer of the responding municipality a written agreement which sets forth the terms and conditions under which assistance may be requested or rendered.

The executed agreement shall constitute authorization for every request for assistance, and for any assistance rendered in accordance with the terms and conditions of the written agreement, regardless of whether the responding police officer is named in the agreement. In an emergency situation, the ranking on-duty law enforcement officer of the requesting municipality is authorized to make an oral request for assistance to the ranking on-duty law enforcement officer in the responding municipality, subject to the terms and conditions of the written agreement, and the responding police officer may exercise all statutory authority under section 2671.

The written agreement shall remain in full force and effect until terminated by the mutual consent of the chief law enforcement officers in each municipality or until 10 days after the chief law enforcement officer of one municipality