

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

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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 This subchapter is repealed on September 30, 1990.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

has received notification from the chief law enforcement officer of the other municipality of that officer's intentions to terminate.

Sec. 3. Application. Nothing in this Act may be construed to invalidate any official act performed prior to the effective date of this Act by any law enforcement officer in the course and scope of that officer's employment.

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

Effective June 14, 1989.

CHAPTER 280

H.P. 971 - L.D. 1349

An Act Concerning Insurance Required of Wreckers

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

29 MRSA §2708, as repealed and replaced by PL 1987, c. 781, §§9 and 15, is amended to read:

§2708. Indemnity bonds

The Secretary of State shall not register any motor vehicle required to obtain an operating permit subject to this chapter nor issue a permit covering the operation of any such motor vehicle or vehicles, until the applicant for that permit has procured a good and sufficient insurance policy or indemnity bond, in such amount as the Secretary of State prescribes, having as surety, a surety company authorized to transact business in this State or 2 responsible individuals, which bond shall be approved by the Secretary of State, or a declaratory judgment issued by the Interstate Commerce Commission authorizing the motor carrier to self insure. The insurance policy or bond shall adequately provide for cargo or garage keeper's insurance and for the collection of damages for which the holder of a permit may be liable by reason of the operation of any motor vehicle or vehicles subject to the operation of this chapter. Notwithstanding this section, any person, firm or corporation transporting logs or pulpwood, garbage, refuse, sludge, junk or unserviceable vehicles, manure, wood chips, bark or hogged fuel is not required to provide cargo insurance. Any wrecker service that has garage keeper's insurance and tows serviceable vehicles is not required to provide cargo insurance. Any person, firm or corporation transporting freight between points within this State and points without the State or between points without the State, but passing through this State, is not required to provide cargo insurance.

See title page for effective date.

CHAPTER 281

H.P. 944 - L.D. 1312

An Act to Allow Intervenor Funding in Public Utilities Proceedings

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

35-A MRSA §1310, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

§1310. Funding of intervenors by the commission

1. Intervenor funding. Intervenor funding may be provided as follows.

A. In any commission proceeding in which standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., are implemented, the commission may order the utility to compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that:

(1) The position of the intervenor is not adequately represented by the Office of the Public Advocate or the Public Utilities Commission staff;

(2) The intervenor substantially contributed to the approval, in whole or in part, of a position advocated by the intervenor in the commission proceeding; and

(3) Participation in the proceeding by the intervenor would impose a significant financial hardship on the intervenor.

B. In any proceeding in which the commission does not implement standards under the United States Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq., the commission may compensate the intervenor for reasonable attorney's fees, expert witness fees and other reasonable costs incurred in preparation and advocacy of the intervenor's position whenever the commission finds that requirements of paragraph A, subparagraphs (1) to (3), are satisfied. Compensation may be provided from the commission's regulatory fund and filing fees subject to the commission's determination of the availability of the funds.

2. Determination of eligibility. A determination that an intervenor is eligible for an award of compensation pending the outcome of the proceeding shall be made by the commission at the earliest practicable time in the commission proceeding.