

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
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aircraft, as appropriate. These agencies shall follow all the provisions of the approved plan.

This plan shall be reviewed and updated as necessary. The director shall see that the plan and its revisions receive suitable dissemination on a timely basis. Individual agencies shall submit revisions of their search and rescue plans to the director for comment and incorporation into the agency's statewide plan.

See title page for effective date.

CHAPTER 490

H.P. 1230 - L.D. 1715

An Act to Exempt Contracts Supplementing the Civilian Health and Medical Program of the Uniformed Services from the Mandated Benefits for Substance Abuse and Mental Illness

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

Sec. 1. 24 MRSA §2325-A, sub-§5-A, as enacted by PL 1983, c. 515, §4, is amended to read:

5-A. Exceptions. This section shall not apply to employee group insurance contracts issued to employers with 20 or fewer employees insured under the group contract or to group contracts designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as defined in the United States Code, Title 10, Section 1072, subsection 4.

Sec. 2. 24 MRSA §2329, sub-§5, as enacted by PL 1983, c. 527, §1, is amended to read:

5. Exceptions. This section shall not apply to employee group insurance contracts issued to employers with 20 or fewer employees insured under the group contract or to group contracts designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as defined in the United States Code, Title 10, Section 1072, subsection 4.

Sec. 3. 24-A MRSA §2842, sub-§5, as enacted by PL 1983, c. 527, §2, is amended to read:

5. Exceptions. This section shall not apply to employee group insurance policies issued to employers with 20 or fewer employees insured under the group policy or to group policies designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as described in Title 10 of the United States Code, Title 10, Section 1072, subsection 4.

Sec. 4. 24-A MRSA §2843, sub-§5-A, as enacted by PL 1983, c. 515, §6, is amended to read:

5-A. Exceptions. This section shall not apply to employee group insurance policies issued to employers with 20 or fewer employees insured under the group policy or to group policies designed primarily to supplement the Civilian Health and Medical Program of the Uniformed Services, as described in the United States Code, Title 10, Section 1072, subsection 4.

See title page for effective date.

CHAPTER 491

S.P. 643 - L.D. 1735

An Act to Amend the Teacher Retirement System Laws to Allow Contributions for Associates in Education

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

Whereas, it is necessary to encourage the development of programs to increase the preparation of college students who are completing programs leading to certification as teachers in the State; and

Whereas, under current law, teachers on leave who participate in college-level teacher preparation programs must sacrifice a one-year contribution towards their retirement; and

Whereas, some teachers will be participating in those teacher preparation courses during the school year beginning September 1989; 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. 5 MRSA §17001, sub-§42, as amended by PL 1985, c. 808, §§1 and 2, is further amended to read:

42. Teacher. "Teacher" means a preschool teacher, teacher, superintendent, principal, supervisor, school nurse, school dietician or school secretary employed in any public school, including teachers in unorganized territory. The term "teacher" shall include a person who is on a one-year leave of absence from a position as a teacher and is participating in the education of prospective teachers by teaching and supervising students enrolled in college-level teacher preparation programs in this State.

Sec. 2. 5 MRSA §17154, sub-§6, ¶C is enacted to read:

C. Notwithstanding this section, the employer retirement cost related to the retirement system applicable to those teachers who are permitted to continue to accrue service credit while on a one-year leave of absence and participating in the education of prospective teachers by teaching and supervising students enrolled in college-level teacher preparation programs in this State shall be paid from funds provided by the college employing the teacher during that year.

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

Effective June 28, 1989.

CHAPTER 492

H.P. 1246 - L.D. 1739

An Act Regarding Special Seasonal Agency Liquor Stores

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

28 MRSA §456, sub-§§1 and 3, as enacted by PL 1987, c. 45, Pt. A, §4, are amended to read:

1. Licensing of seasonal agency liquor stores. The commission may issue 6-month seasonal licenses to no more than ~~6~~ 4 special agency stores.

3. Sunset. This section is repealed on September 30, ~~1989, before which time the 1990.~~ The commission shall evaluate the effectiveness of this section and make a written report to ~~the 114th Legislature~~ the joint standing committee of the Legislature having jurisdiction over legal affairs no later than January 31, 1990.

See title page for effective date.

CHAPTER 493

H.P. 895 - L.D. 1239

An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife

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

Whereas, confusion exists as to the application of certain provisions of the inland fisheries and wildlife laws; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcing the laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of Maine; 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 §7001, sub-§39, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

39. Water set. “Water set” means a trap set completely under water in such manner as to reasonably ensure the drowning of any furbearing animal caught in the trap.

Sec. 2. 12 MRSA §7013, sub-§8, as enacted by PL 1983, c. 819, Pt. A, §17, is repealed.

Sec. 3. 12 MRSA §7031, as enacted by PL 1979, c. 420, §1, is amended to read:

§7031. Appointment

The commissioner shall be appointed by the Governor, subject to review by the ~~Joint Standing Committee on Fisheries and Wildlife~~ joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters and to confirmation by the Legislature. The commissioner shall serve during the pleasure of the Governor. Any candidate for the office of commissioner shall have a record of demonstrated support for, and an understanding of, the basics of modern wildlife and fisheries management and shall have experience in hunting, fishing or trapping.

Sec. 4. 12 MRSA §7033, sub-§2, as amended by PL 1981, c. 631, §1, is further amended to read:

2. Length of terms. Appointments shall be for a term of 3 years, ~~except that the initial term for the representatives of management units 3 and 4 shall be for one year and management units 5 and 6 shall be for 2 years, and until successors are appointed and qualified. Successors shall serve a term, or an unexpired term, which begins at the expiration of the predecessor's one year, 2-year or 3-year term.~~ No person shall may serve more than 2 consecutive 3-year terms. Upon the death, resignation or removal from office of any person so appointed, the Governor shall appoint a member to serve for the unexpired term.

Sec. 5. 12 MRSA §7053, sub-§2, ¶D-1 is enacted to read:

D-1. If in uniform and if they have a reasonable and articulable suspicion that a motor vehicle or other conveyance, or its operator or occupant, is or has been involved in, or may contain evidence of, a vio-