

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

---

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

---

**Sec. 5. 27 MRSA §455**, as enacted by PL 1979, c. 525, is amended to read:

**§455. Determination of amount for acquisition of art**

The commission, in consultation with the Bureau of Public Improvements, the Bureau of School Management, the Office of Facilities within the University of Maine System or the Maine Technical College System, whichever has budgetary authority over the project, shall determine, ~~in consultation with the contracting agency~~, the minimum amount to be made available for the purchase of art for each public building or facility.

**Sec. 6. 27 MRSA §457**, as enacted by PL 1979, c. 525, is repealed and the following enacted in its place:

**§457. Duties of commission**

The commission shall:

**1. Consult.** Consult with the architect and contracting agency about any administrative costs or design services required in connection with the selection of works of art;

**2. Procedures for participation of architect.** Advise the Bureau of Public Improvements, the Bureau of School Management, the Office of Facilities within the University of Maine System and the Maine Technical College System concerning procedures for participation and compensation of the architect in connection with the acquisition of works of art under this chapter;

**3. Contracting agency.** Advise the contracting agency;

**4. Selection.** Approve the process used by the contracting agency in selection of the artist or works of art. If the commission does not approve the process used to select the artist or works of art, then the contracting agency shall use another selection process in accordance with the procedure authorized in section 456, subsection 4;

**5. Acquisition of art.** Review the design, execution, placement and acceptance of any works of art that are, or are intended to be, acquired under this chapter; and

**6. Standards for maintenance.** Adopt standards for the maintenance, conservation, relocation and transfer of ownership of works of art acquired under this chapter.

**Sec. 7. 27 MRSA §458, sub-§2-A** is enacted to read:

**2-A. Maintenance.** Standards for the maintenance, conservation, relocation and transfer of ownership of works of art acquired under this chapter;

**Sec. 8. 27 MRSA §458, sub-§3**, as amended by PL 1987, c. 469, §§8 and 11, is further amended to read:

**3. Contract procedures.** Procedures for contracting with artists for works of art ~~and with architects for services relating to the planning for the acquisition of works of art;~~ and

**Sec. 9. 27 MRSA §459**, as amended by PL 1987, c. 469, §§10 and 11, is further amended to read:

**§459. Administrative costs**

Eligible administrative costs incurred by the contracting agency ~~or the architect which~~ that are associated with the acquisition of works of art shall be included as part of the amount allocated to section 453, subsection 1, for works of art.

**Sec. 10. PL 1987, c. 469, §11** is repealed.

See title page for effective date.

## CHAPTER 913

H.P. 1621 - L.D. 2243

### An Act to Amend Certain Provisions of the Fish and Wildlife Laws

**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 laws administered by the Department of Inland Fisheries and Wildlife; and

**Whereas**, this confusion poses difficulties for the sporting public and those charged with enforcement of these 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:**

#### PART A

**Sec. A-1. 12 MRSA §7034, sub-§4**, as amended by PL 1985, c. 785, Pt. B, §70, is further amended to read:

**4. Code of operating procedure of warden service.** The commissioner shall prepare a written code covering the operating procedure of the warden service which ~~becomes effective when approved by the State Civil Service Appeals Board~~ is consistent with civil service law and contractual agreements.

**Sec. A-2. 12 MRSA §7102, sub-§4, ¶A,** as repealed and replaced by PL 1979, c. 543, §9, is amended to read:

A. It is legal to hunt any wild animal or wild bird by bow and arrow during any open season on that animal; ~~and~~ or bird.

**Sec. A-3. 12 MRSA §7102, sub-§5,** as amended by PL 1985, c. 144, is further amended to read:

**5. Restrictions.**

A. Archery deer tags shall be issued for the use in the same manner as regular deer tags; .

B. If a person takes a deer with bow and arrow during the open season on deer, ~~he~~ that person is precluded from further hunting for deer during that year; .

C. Any person 10 years of age or older and under 16 shall be accompanied at all times while hunting by a parent or guardian or an adult, at least 18 years of age, approved by a parent or guardian; .

D. Deer may be taken under this section only by means of hand bow and broad head arrow; .

E. Bows shall be strong enough to shoot an arrow at least 150 yards; .

F. Arrow heads shall be not less than 7/8 inch in width; .

G. A person shall not use a crossbow or set bow; .

H. A person shall not use arrows with either poisonous or explosive tips; .

I. A person ~~shall~~ may not carry firearms of any kind; ~~excluding handguns~~; while hunting any species of wildlife with a bow and arrow during the special archery season on deer, as described in subsection 4, paragraph B; except that a person who also holds a license to hunt with firearms may carry a handgun.

J. Except as provided in this section, the provisions of chapters 701 to 721 relating to deer ~~shall be~~ are applicable to the taking of deer with bow and arrow; and .

**Sec. A-4. 12 MRSA §7311, sub-§3,** as enacted by PL 1987, c. 742, §§7 and 16, is repealed and the following enacted in its place:

**3. Fee.** The fee for a guide license is \$75.

**Sec. A-5. 12 MRSA §7352, sub-§4, ¶B** is enacted to read:

B. Notwithstanding this section, an employee of any licensed hide dealer may, without a license, aid or assist the licensee in conducting business, but only at the licensee's fixed place of business.

**Sec. A-6. 12 MRSA §§7371-A and 7376-A** are enacted to read:

**§7371-A. Guide license violation**

A person is guilty of a guide license violation if that person is licensed as a guide and that person:

1. Knowingly assists client in violation. Knowingly assists a client in violating any of the provisions of chapters 701 to 721;

2. Fails to report violation by client. Has knowledge that a client has violated the provisions of chapters 701 to 721 and fails to report the violation as required by section 7318; or

3. Guides party of more than 12 on inland waters. Takes a party of more than 12 people out on any lake, stream or waterway in the State at any time.

**§7376-A. Unlawfully hiring guide**

A person is guilty of unlawfully hiring a guide if that person hires another person as a guide and has knowledge that the person does not hold a valid guide license.

**Sec. A-7. 12 MRSA §7451, sub-§1, ¶D,** as enacted by PL 1981, c. 224, §1, is amended to read:

D. The commissioner may shorten the open seasons on bear as established in paragraphs A, B and C in any part of the State provided that:

(1) The demarcation of the areas with a shortened season follows recognizable physical boundaries such as rivers and railroad rights-of-way; and

(2) The decision is made and published prior to ~~January 15th~~, February 1st of any year.

**Sec. A-8. 12 MRSA §7451, sub-§2,** as amended by PL 1981, c. 470, Pt. B, §2, is repealed and the following enacted in its place:

**2. Registration.** The commissioner shall promulgate rules in accordance with the Maine Administrative

Procedure Act, Title 5, chapter 375, governing the establishment and closure of bear registration stations for the purpose of registering all bear killed.

A. An agent designated by the commissioner shall be in charge of each bear registration station.

B. A list of bear registration stations must be published in one or more daily newspapers of the State.

C. Bear registration agents shall:

(1) Register every bear legally presented for registration;

(2) Attach a metal seal to each bear in the manner directed and with the materials furnished by the commissioner;

(3) Receive from the person registering a bear the sum of \$1 for each seal; and

(4) Retain the \$1 for each seal issued.

D. Each bear presented for registration must be presented in its entirety, except for the viscera and rib cage, and must be field dressed in a manner that permits determination of the sex of the animal. The bear may be dismembered for ease of transportation.

**Sec. A-9. 12 MRSA §7452, sub-§5-A** is enacted to read:

**5-A. Illegally presenting bear for registration.** A person is guilty of illegally presenting a bear for registration if that person presents a bear for registration and the bear:

A. Is not presented in its entirety, except for the viscera and rib cage; or

B. Is not field dressed in a manner that permits determination of the sex of the animal.

**Sec. A-10. 12 MRSA §7552, sub-§5, ¶C,** as enacted by PL 1979, c. 420, §1, is amended to read:

C. In any waters where the bag limit on black bass has been removed by rule of the commissioner, the season on black bass and the method of fishing for them shall be the same as for trout and salmon; and

**Sec. A-11. 12 MRSA §7552, sub-§5, ¶D,** as amended by PL 1987, c. 115, §1, is repealed.

**Sec. A-12. 12 MRSA §7651, sub-§1,** as amended by PL 1985, c. 88, is further amended by amending the 7th paragraph to read:

Dry Pond Sanctuary: On Dry Pond, also known as Crystal Lake, or from the shores of said pond, which pond is

situated in the Town of Gray, in the County of Cumberland.

**Sec. A-13. 12 MRSA §7801, sub-§19,** as amended by PL 1981, c. 644, §34, is further amended to read:

**19. Failure to report a watercraft accident.** A person is guilty of failure to report a watercraft accident if ~~he~~ that person is the operator or owner of any watercraft involved in any collision, accident or other casualty while using a watercraft which results in the death of a person, a person's losing consciousness or receiving medical treatment, a person's becoming disabled for more than 24 hours, a person's disappearance from a watercraft under circumstances indicating death or injury, or damage to the watercraft or other property of more than ~~\$100~~ \$300 and fails to file accident reports as follows:

A. A written report on forms provided by the commissioner containing such information as required within 24 hours of the occurrence if a person dies, disappears, loses consciousness, receives medical treatment, or is disabled for more than 24 hours, or within 5 days of the occurrence if the accident involved property damage only; and

B. A report of the occurrence, by the quickest means of communication, to the nearest available law enforcement officer to the place where the accident occurred.

**Sec. A-14. 12 MRSA §7825, sub-§3, ¶A,** as repealed and replaced by PL 1989, c. 493, §58, is amended to read:

A. Each registered dealer may receive dealer's number plates for a \$5 annual fee for each plate.

**Sec. A-15. 12 MRSA §7827, sub-§22,** as amended by PL 1981, c. 644, §36, is further amended to read:

**22. Failure to report accident.** A person is guilty of failure to report a snowmobile accident if that person:

A. ~~He is~~ Is the operator of any snowmobile involved in any accident resulting in injuries requiring the services of a physician, in death of any person or in property damage to the estimated amount of ~~\$100~~ \$300 or more; some person acting for such an operator; or the owner of the involved snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown; and

B. ~~He fails~~ Fails to give notice of the accident, by the quickest means of communication, to a law enforcement officer available nearest to the place where the accident occurred.

**Sec. A-16. 12 MRSA §7855, sub-§3, ¶A,** as amended by PL 1985, c. 304, §27, is further amended to read:

A. Each registered dealer may receive dealer's number plates for a \$5 annual fee for each plate.

**Sec. A-17. 12 MRSA §7857, sub-§22**, as enacted by PL 1983, c. 297, §§1 and 3, is amended to read:

**22. Failure to report accident.** A person is guilty of failure to report an ATV accident, if that person:

A. ~~He is~~ Is the operator of an ATV involved in any accident resulting in injuries requiring the services of a physician, in death of any person or in property damage to the estimated amount of ~~\$200~~ \$300 or more; some person acting for such an operator; or the owner of the involved ATV having knowledge of the accident, should the operator of the ATV be unknown; and

B. ~~He fails~~ Fails to give notice of the accident by the quickest means of communication, to a law enforcement officer available nearest to the place where the accident occurred.

**Sec. A-18. 12 MRSA §7861, sub-§1**, as amended by PL 1987, c. 177, is repealed and the following enacted in its place:

**1. Open training season.** Except as otherwise provided in chapters 701 to 721, it is lawful to train dogs on wild birds and wild animals as follows.

A. Any person may train dogs on foxes, rabbits and raccoons from July 1st through the following March 31st, including Sundays.

B. Any person may train sporting dogs on wild birds at any time, including Sundays.

C. Any resident may train up to 4 dogs at any one time on bear from August 1st to the first day of the open season on hunting bear, except in those portions of Washington County and Hancock County which are situated south of Route 9.

**Sec. A-19. 12 MRSA §7861, sub-§1-A**, as enacted by PL 1987, c. 696, §18, is repealed.

## PART B

**Sec. B-1. 12 MRSA §7001, sub-§36-A** is enacted to read:

**36-A. Trap, the noun.** "Trap" means any device that is designed primarily to catch or hold wild animals, including, but not limited to, a foothold trap, a killer-type trap, a cage-type trap or a snare.

**Sec. B-2. 12 MRSA §7001, sub-§37**, as repealed and replaced by PL 1981, c. 644, §1, is repealed and the following enacted in its place:

**37. Trap, the verb.** To "trap" means to set, place or tend any trap within the fields, forests or waters of the

State, to kill any animal that is caught in a trap or to aid or assist another person in setting or placing a trap, tending a trap or killing an animal that is caught in a trap.

**Sec. B-3. 12 MRSA §7171, sub-§5** is enacted to read:

**5. Effect of revoked or suspended license.** Notwithstanding this section, a person whose license to deal in live smelts and baitfish has been revoked or suspended pursuant to section 7077, 7078 or 7079, may not assist another dealer in selling or transporting live smelts and baitfish.

**Sec. B-4. 12 MRSA §7311, sub-§2, ¶C**, as enacted by PL 1987, c. 742, §7, is repealed and the following enacted in its place:

C. Be currently certified in first aid through completion of any standard first aid course that meets the criteria established by rule of the commissioner; and

**Sec. B-5. 12 MRSA §7406, sub-§17, ¶M**, as enacted by PL 1979, c. 420, §1, is amended to read:

M. Hunts any wild animal or wild bird by any method other than the usual method of shooting with a firearm not larger than number 10-gauge, shooting with a ~~long~~ hand-held bow and arrow or by falconry.

**Sec. B-6. 12 MRSA §7432, sub-§2, ¶C**, as repealed and replaced by PL 1989, c. 493, §28, is amended to read:

C. While trapping in any unorganized or deorganized place, fails to visit each killer-type trap or water set, so-called, except under ice water sets for beaver and muskrat, or fails to cause the same to be visited at least once in every ~~3~~ 5 calendar days, including Sunday.

**Sec. B-7. 12 MRSA §7452, sub-§1-D** is enacted to read:

**1-D. Illegal trapping of bear.** A person is guilty of illegally trapping bear if that person catches a bear in a trap and causes or allows another person to kill or register that bear.

**Sec. B-8. 12 MRSA §7552, sub-§5, ¶D**, as amended by PL 1987, c. 115, §1, is further amended to read:

D. The commissioner may issue a rule establishing an annual opening date as the last Saturday of April on waters reclaimed by the removal of rough fish; ~~and~~

**Sec. B-9. 12 MRSA §7552, sub-§5, ¶G**, as enacted by PL 1983, c. 274, §3, is amended to read:

G. There shall be a continued closed season on the dipping of smelts from Morrill Pond and its tributaries in Somerset County; and

**Sec. B-10. 12 MRSA §7552, sub-§5, ¶H** is enacted to read:

H. Whenever the last day of open water fishing season falls on a Saturday, the commissioner shall issue a rule extending the season one day to include the following Sunday.

**Sec. B-11. 12 MRSA §7794, sub-§7**, as enacted by PL 1979, c. 420, §1, is amended to read:

7. **Transfer of ownership.** Whoever transfers ownership of a motorboat for which a certificate of number has already been issued under this subchapter and applies for a certificate of number for another motorboat is entitled to a new certificate of number upon payment of a transfer fee of \$2 as set forth in subsection 4, paragraph D, provided the applicant returns to the commissioner the old certificate of number properly signed and executed, showing that ownership of the motorboat has been transferred ~~and that there are at least 6 months of unexpired time on his old certificate of number.~~

**Sec. B-12. 12 MRSA §7801, sub-§32** is enacted to read:

32. Unlawfully operating a watercraft within the water safety zone. A person is guilty, except as provided in section 7802, of unlawfully operating a watercraft within the water safety zone if that person operates a watercraft at a speed greater than headway speed while within the water safety zone or within a marina or an approved anchorage in coastal or inland waters.

**Sec. B-13. 12 MRSA §7827, sub-§18**, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

18. Unlawfully operating a snowmobile on railroad tracks. A person is guilty, except as provided in subsection 23, paragraph F-1, of unlawfully operating a snowmobile on railroad tracks, if that person:

A. Operates any snowmobile along or adjacent and parallel to the tracks of any railroad within the limits of any railroad right-of-way without written permission from the railroad owning the right-of-way; or

B. Operates any snowmobile across the tracks of any railroad after having been forbidden to do so by the railroad owning the railroad right-of-way, or by an agent of that railroad, either personally or by appropriate notices posted conspicuously along the railroad right-of-way.

**Sec. B-14. 12 MRSA §7857, sub-§16, ¶C**, as enacted by PL 1989, c. 493, §70, is amended to read:

C. Every new ATV ~~sold in Maine~~, except 2-wheel off-road motorcycles, manufactured after January 1, 1991, shall and sold in Maine, must be equipped with working headlights, taillights and brake lights.

**Sec. B-15. 12 MRSA §7950**, as amended by PL 1983, c. 819, Pt. A, §34, is repealed and the following enacted in its place:

**§7950. Records of the Department of Inland Fisheries and Wildlife**

A certificate, signed by the commissioner or deputy commissioner, stating what the records of the Department of Inland Fisheries and Wildlife show on any given matter is admissible in evidence in all courts of this State to prove what the records of the department are on that matter.

1. Certificate prima facie evidence person not the holder of a license, permit, registration or certificate of number. A certificate, signed by the commissioner or deputy commissioner, stating that the records of the department do not show that a particular person on a stated date held a license, permit, registration or certificate of number issued under chapters 701 to 721, is admissible in evidence in all courts of this State and is prima facie evidence that the particular person named in the certificate did not hold a license, permit, registration or certificate of number as specified in the certificate on the date specified in the certificate.

2. Certificate prima facie evidence of license, permit, registration or certificate of number revocation. A certificate, signed by the commissioner or deputy commissioner, stating that the records of the department show that a particular person's license, permit, registration or certificate of number issued under chapters 701 to 721, was revoked or suspended on a particular stated date is admissible in evidence in all courts of this State and is prima facie evidence that the particular person's license, permit, registration or certificate of number as specified in the certificate, was revoked or suspended on the date stated.

**PART C**

**Sec. C-1. 3 MRSA §927, sub-§6, ¶B**, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

(1) Advisory Board for Licensure of Water Treatment Plant Operators;

~~(2) Keep Maine Scenic Committee;~~

~~(3) (2) Office of Energy Resources;~~

~~(4) (3) Saco River Corridor Commission;~~

~~(5) (4) State Soil and Water Conservation Commission;~~



- (6) (5) Acupuncture Licensing Board;
- (7) (6) Board of Licensing of Auctioneers;
- (8) (7) Board of Licensing of Dietetic Practice; and
- (9) (8) Board of Commercial Driver Education; and
- (9) Advisory Board for the Licensing of Taxidermists.

**Sec. C-2. 5 MRSA §12004-I, sub-§23-A** is enacted to read:

<u>23-A. Envi- ronment: Natural Resources</u>	<u>Advisory Board for the Licensing of Taxi- dermists</u>	<u>\$50/Day</u>	<u>12 MRSA §7355</u>
---	---	-----------------	--------------------------

**Sec. C-3. 12 MRSA §7351**, as amended by PL 1987, c. 317, §16, is repealed.

**Sec. C-4. 12 MRSA §§7354 to 7357** are enacted to read:

**§7354. Taxidermy; general provisions**

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

A. "Board" means the Advisory Board for the Licensing of Taxidermists established by Title 5, section 12004-I, subsection 23-A.

B. "Taxidermy training" means learning and acquiring the knowledge of the art of taxidermy under the direction and supervision of a person licensed to practice the art of taxidermy under this subchapter, or in conjunction with a bona fide taxidermy training program.

**2. Permitted activities.** The holder of a taxidermist license may:

A. Possess, at the licensee's place of business, lawfully acquired fish or wildlife specimens for the sole purpose of preparing and mounting them;

B. Transport lawfully acquired fish and wildlife specimens to and from the licensee's place of business;

C. Sell lawfully acquired specimens of fish and wildlife that have been preserved through the art of taxidermy if that sale does not violate regulations of the United States Federal Migratory Bird Treaty Act or other federal regulations;

D. Designate others to aid or assist in conducting business at the licensee's place of business; and

E. Train persons who hold a training permit pursuant to section 7356 in the art of taxidermy at the licensee's place of business or in conjunction with a bona fide taxidermy training program.

**3. Records.** The holder of a taxidermist license shall keep a true and complete record, in such form as required by the commissioner, of all activities conducted by virtue of the taxidermist license. The record must be open for inspection by any agent of the commissioner during normal business hours. The license holder shall file a notarized copy of the record with the commissioner no later than 10 days after the end of the year during which the license is valid.

**4. Competency standards.** The commissioner shall establish standards of competency for the practice of taxidermy and shall provide a copy of these standards to each applicant for a taxidermy license or a training permit.

**5. Rules.** The commissioner may, pursuant to the Maine Administrative Procedure Act, adopt rules to implement the provisions of this section and sections 7355 to 7357.

**§7355. Advisory Board for the Licensing of Taxidermists**

The Advisory Board for the Licensing of Taxidermists is established by Title 5, section 12004-I, subsection 23-A.

**1. Membership.** Members of the board must be residents of the State. The board consists of 5 members: two employees of the department, appointed by the commissioner; 2 licensed taxidermists with expertise in the art of taxidermy, appointed by the Governor; and one member of the general public with no affiliation to the art of taxidermy, appointed by the Governor.

**2. Term.** The term of office is 3 years, except that the terms are staggered to the extent possible. Appointments for terms of less than 3 years may be made in order to stagger the terms. Upon expiration of a member's term, that member shall serve until a qualified successor is appointed. The successor's term is 3 years from the date of the expiration, regardless of the date of appointment. A vacancy in the office of a member is filled by the appointing authority for that position for the unexpired term. The department members may be removed by the commissioner for cause. All other members may be removed by the Governor for cause.

**3. Staff assistance.** The department shall provide staff assistance as necessary.

**4. Duties.** The board shall advise the commissioner regarding implementation of section 7354, this

section and sections 7356 and 7357, and any related rules and assist in the development of and in conducting examinations.

5. Quorum. Three members of the board constitute a quorum for the transaction of business.

6. Compensation. All members, except state employees, are entitled to receive compensation as provided in Title 5, chapter 379.

#### §7356. Licensure; training permit

1. License or permit required. In order to safeguard the life, health and welfare of the people of this State, any person practicing the art of taxidermy for commercial purposes must hold a taxidermist license or a training permit as provided in this section.

2. License and permit qualifications. To be eligible for a taxidermist license or training permit issued pursuant to this section, an applicant must:

A. Satisfactorily pass a taxidermy examination, as the commissioner shall prescribe by rule; and

B. Demonstrate trustworthiness and competence to practice the art of taxidermy in such a manner, as prescribed by the commissioner by rule, as to safeguard the interests of the public.

3. Training permit. Any person who is undergoing taxidermy training as defined in section 7354 must obtain a training permit before that person may participate in taxidermy training. No person holding a training permit may practice the art of taxidermy for commercial purposes, except under the direct supervision of a licensed taxidermist. The licensed taxidermist is responsible for the performance and final product of the trainee.

4. License application. Each applicant for a license or training permit must submit a written application to the commissioner on a form prescribed by the commissioner. The commissioner may require any applicant who has previously held a taxidermist license to provide a notarized statement indicating that the person has not failed to provide services to a customer as promised through a contractual agreement with that customer.

A. The application must contain satisfactory evidence of the qualifications required of the applicant under this section and must be sworn to by the applicant.

B. Failure or refusal to provide information requested on the application form is sufficient grounds for the commissioner to reject the application.

C. The application must be accompanied by a nonrefundable fee of \$10.

D. Within 10 working days of receipt of any application for a taxidermist license or training permit, the commissioner shall notify the applicant as to the acceptability of the application and shall provide the applicant with at least 2 weeks' notice prior to any examination.

5. Examination. Each applicant for a license or permit shall appear at a time and place designated by the commissioner, to be examined by means of written, practical and oral tests, as the commissioner determines. An applicant for a training permit may not be required to take a practical examination. The commissioner shall determine the form and content of examinations.

6. Reexamination. The commissioner may require any taxidermist to be reexamined if the commissioner receives a written complaint and, upon investigation, finds that the taxidermist no longer meets the qualifications to be licensed as a taxidermist.

7. Fee. License applicants who successfully meet the qualifications set forth in this section must be issued a license upon payment of a \$3 fee. This fee is in addition to the \$10 examination fee. Permit applicants who successfully meet the qualifications of this section must be issued a training permit. A fee in addition to the \$10 examination fee is not required for a training permit.

8. Annual renewal of license; fees; effect of failure to renew. Licenses and permits issued pursuant to this section run for the current year until the 30th day of June following the date of the issuance, on which date the license or permit terminates unless sooner revoked. Subject to any revocation or suspension, the license or permit may be renewed annually upon application by the licensee or permittee accompanied by a \$13 license fee or \$5 permit fee.

#### §7357. Investigation; grounds for suspension of license

The commissioner shall investigate or cause to be investigated all complaints made to the department and all cases of noncompliance with or violation of sections 7354 to 7356 and this section. Any person may register a complaint of fraud, deceit, gross negligence, incompetency or misconduct against any licensee or permittee. These complaints must be in writing, be sworn to by the person making them and filed with the department.

1. Disciplinary action. The commissioner may suspend or revoke a license or permit pursuant to sections 7077 to 7079 and Title 5, section 10004. The commissioner may refuse to issue or renew a license or the Administrative Court may revoke, suspend or refuse to renew a license or permit for any one of the following causes:

A. Procuring a license or permit by fraud or deceit practiced upon the department or a purchaser;

B. Failure to meet the competency standards established pursuant to section 7354;

C. Engaging in the art of taxidermy or taxidermy training under a false name or alias with fraudulent intent;

D. Incompetence, negligence or neglect in the conduct of the practice of the act of taxidermy or taxidermy training, including, but not limited to, entering into a contractual agreement with a customer to provide services and then failing, without just cause, to provide the services as agreed;

E. Failure to meet the qualifications for a license or permit, including, but not limited to, failing to pass a reexamination pursuant to section 7356, subsection 6; or

F. For any violation of sections 7354 to 7356 and this section or any rules adopted pursuant to section 7354, subsection 5.

**2. Reissue of license or permit.** The commissioner may reissue a license or permit to any former licensee or permittee whose license or permit has been revoked.

**3. Hearings.** Hearings may be conducted by the commissioner to assist with investigations, to determine whether grounds exist for suspension, revocation or denial of a license or permit, or as otherwise necessary to implement the provisions of sections 7354 to 7356 and this section. The commissioner shall hold an adjudicatory hearing at the written request of any person who is denied a license or permit without a hearing for any reason other than failure to pay a required fee, provided that the request for hearing is received by the commissioner within 30 days of the applicant's receipt of written notice of the denial of the application, the reasons for the denial and the right to request a hearing. Hearings must be conducted in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, to the extent applicable. The commissioner may subpoena witnesses, records and documents in any hearing the commissioner conducts.

**4. Terms of revocation of license or permit.** A person whose license or permit has been revoked under this subsection may not apply for a new license for a minimum of 3 years.

**Sec. C-5. Transition.** All licenses and permits issued pursuant to the Maine Revised Statutes, Title 12, chapter 707, subchapter X, former section 7351, remain in effect until they expire pursuant to the terms under which they were issued.

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

Effective April 24, 1990.

**CHAPTER 914**

**H.P. 1564 - L.D. 2170**

**An Act to Continue the Effort to Preserve and Promote Affordable Housing and Economic Opportunities for Maine People**

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

Whereas, increasing investment opportunities are available to the State beyond its borders; and

Whereas, those investment opportunities may represent substantial economic opportunities for Maine businesses; and

Whereas, the State should take full advantage of those opportunities; 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 §12004-I, sub-§6-B is enacted to read:**

<u>6-B. Economic Development</u>	<u>Commission on Investment Capital</u>	<u>Expenses Only</u>	<u>5 MRSA §13064</u>
----------------------------------	---	----------------------	----------------------

**Sec. 2. 5 MRSA c. 383, sub-c. II, art. 3 is enacted to read:**

**Article 3**

**COMMISSION ON INVESTMENT CAPITAL**

**§13064. Commission on Investment Capital**

The Commission on Investment Capital is established and is composed of 17 members. The membership includes the Commissioner of Economic and Community Development, the Director of the Maine State Housing Authority, the Chief Executive Officer of the Finance Authority of Maine, the Executive Director of the Maine State Retirement System, the Director of the Maine Municipal Bond Bank, 2 Senators, 3 members of the House of Representatives, 6 members of the public appointed by the Governor and one member of the public appointed jointly by the President of the Senate and the Speaker of the House of Representatives.