

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

text of the Maine Revised Statutes and the appropriate history of each statutory unit.

The revisor shall update the statutory data base at least annually after the close of each regular legislative session and may update the data base more frequently.

The Legislative Council shall adopt policies governing access to and publication of the data contained in the statutory data base.

§93. Administrative changes and corrections

The revisor may make the following changes or corrections, when the corrections do not alter the sense or meaning of the laws, without specific legislative action as part of the statutory data base update.

1. Misspellings. Misspelled words may be corrected.
2. Histories. Erroneous enacting clauses or statutory histories may be corrected.
3. Cross-references. Cross-references to statutory units may be changed to agree with renumbered or reallocated statutory units.
4. Obsolete dates. Obsolete temporal references may be removed.
5. Capitalization. Improper capitalization may be corrected.
6. Headnotes. Descriptive headings of titles, chapters, sections or subsections may be edited or added to briefly and clearly indicate the subject matter of the title, chapter, section or subsection.
7. Renumbering. The numbering of statutory elements, including duplicative numbering created by conflicting enactments, may be corrected or properly arranged.
8. Punctuation. Punctuation, including hyphenization, may be corrected.
9. Revision clauses. Changes in nomenclature or terminology authorized by a revision clause must be made in accordance with the instructions of the revision clause.
10. Typographical errors. Obvious clerical or typographical errors may be corrected.

Any change made by the revisor may not change the substantive meaning of any statutory unit. Any error or inadvertent substantive change made by the revisor must be construed as a clerical error and given no effect. If the revisor is in doubt whether a specific change is authorized by this section, the revisor may not make the change but shall incorporate the proposed change into the legislation authorized by section 94.

§94. Omnibus errors and inconsistencies bill

The revisor shall prepare legislation containing proposed changes and consolidations identified but not made under section 93. The legislation may also contain any other statutory errors or inconsistencies identified by the revisor. The legislation must be submitted to the joint standing committee of the Legislature having jurisdiction over judiciary matters, with a copy to the executive director.

§95. Report and publication

The revisor shall submit an annual revisor's report containing a description of all changes made pursuant to section 93 to the joint standing committee of the Legislature having jurisdiction over judiciary matters by October 1st of the year in which the changes have been made and shall provide copies of the report to the Secretary of State, to the executive director and to the publisher of the Maine Revised Statutes Annotated. The publisher shall incorporate the changes made in the report in all subsequent publications of the laws. The revisor's report must be published annually in the Laws of Maine.

If the joint standing committee of the Legislature having jurisdiction over judiciary matters disagrees with any change contained in the revisor's report, the committee may instruct the revisor to make appropriate corrections during the next update, may amend the legislation authorized by section 94 to reverse the change or may report out legislation overriding any revisor's change.

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

Effective June 18, 1991.

CHAPTER 337

H.P. 901 - L.D. 1298

An Act to Strengthen the Prohibition Against Illegal Transportation of Alcohol by Minors

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

Sec. 1. 28-A MRSA §2052, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Violation. Any minor who violates this section commits a traffic infraction for which a forfeiture may be adjudged of not more than \$500. A forfeiture must be adjudged of not less than \$200 for a 2nd offense and not less than \$400 for a 3rd or subsequent offense, none of which may be suspended.

Sec. 2. 28-A MRSA §2053, sub-§4, as amended by PL 1987, c. 342, §120, is further amended to read:

4. ~~Penalty.~~ ~~The penalty penalties~~ provided in this section ~~is the exclusive penalty for violating~~ and section 2052, ~~and is~~ are not in conflict with Title 15, Part 6, ~~but is additional to the civil violation defined in section 2051.~~

See title page for effective date.

CHAPTER 338

H.P. 703 - L.D. 1007

An Act to Address Budgetary Concerns of the Maine Athletic Commission and to Deregulate Certain Aspects of the Sport of Wrestling

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

Whereas, it is vital that the funds provided for in this bill be available for the beginning of fiscal year 1991-92; and

Whereas, that fiscal year will begin before the expiration of the 90-day period; 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-A, sub-§44, as enacted by PL 1987, c. 786, §5, is amended to read:

44. Maine Athletic Commission	<u>\$35/Day Plus Expenses</u>	32 MRSA 13501	<u>\$13501</u>
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~~A. The total per diem compensation for each member shall not exceed \$1,000 per year.~~

Sec. 2. 32 MRSA §13501, first ¶, as amended by PL 1989, c. 503, Pt. B, §157, is further amended to read:

The Maine Athletic Commission, established by Title 5, section 12004-A, subsection 44, and in this chapter called "the commission," ~~shall consist~~ consists of 5 members appointed by the ~~Commissioner of Professional and Financial Regulation, with the advice and consent of the Governor.~~ A person who receives any compensation or remuneration for promoting, competing or otherwise engaging in boxing, wrestling

or kick-boxing is not eligible for appointment. Each member of the commission ~~shall be compensated~~ is entitled to compensation as provided in Title 5, chapter 379.

Sec. 3. 32 MRSA §13507, sub-§5 is enacted to read:

5. Establish medical advisory committee. The commission may establish a medical advisory committee and appoint the committee's members. The committee must consist of 6 members and each member is appointed for a term of not less than 3 years. If a position is vacated, the chair of the commission shall appoint a qualified person to replace the member for the remainder of the unexpired term. Each member of the committee must be a physician currently licensed in this State and have at least 5 years of experience in the practice of medicine at the time of the appointment. The chair of the commission shall select the initial chair of the committee. The committee shall annually select a chair from its members. The committee shall assist the commission as necessary.

Sec. 4. 32 MRSA §13510, sub-§§1 and 3, as enacted by PL 1987, c. 395, Pt. A, §212, are amended to read:

1. **Persons to whom licenses may be issued.** The commission may issue, in its discretion, a license for a term of one year from date of issuance to any person, club, association or corporation, ~~who or which~~ that is properly qualified to promote and conduct boxing or kick-boxing contests and exhibitions in accordance with this chapter and the rules adopted pursuant to this chapter. All persons engaged in such contests and exhibitions as boxers, kick-boxers, seconds, managers, timekeepers, knockdown timekeepers, promoters, referees, and judges ~~and physicians~~ shall must be licensed by the commission in a like manner. A closed circuit license may be issued by the commission to any person who is properly qualified ~~therefor~~ for a closed circuit license, ~~which will entitle him~~ entitles that person to engage in the showing of boxing or kick-boxing contests or exhibitions by closed circuit television.

3. **Fee for license.** The commission may, in its discretion, ~~fix~~ set the fee for each promoter's license at ~~a figure between \$25 and \$50 for a license to promote amateur events and a figure between \$50 and \$100 for a license to promote professional events, depending upon the probable income of the licensee to be derived from the conducting of the contests and exhibitions.~~ The fee for a license for closed circuit events shall be \$50. The commission ~~may~~ shall establish, by rule, ~~fix~~ the fees for all other licenses issued under this section at a figure ~~between \$5 and \$25 not to exceed \$50.~~ The commission shall establish by rule license fees for live events and the broadcast of live events. When application by a fraternal, charitable or patriotic organization for a license to promote and conduct amateur boxing or kick-boxing con-