

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
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1991

Sec. 8. 21-A MRSA §841, as amended by PL 1987, c. 96, §2, is repealed.

Sec. 9. 21-A MRSA §844, as enacted by PL 1985, c. 161, §6, is amended to read:

§844. Rules on use

The Secretary of State may make reasonable ~~regulations~~ rules governing the use of electronic voting systems in accordance with the Maine Administrative Procedure Act.

See title page for effective date.

CHAPTER 348

H.P. 778 - L.D. 1110

An Act Regarding Passing of School Buses

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

Whereas, there is a potential hazard to mentally handicapped adults if this legislation does not take effect 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:

29 MRSA §2019, sub-§6, as enacted by PL 1987, c. 601, §5, is amended to read:

6. Definition: school-age person. As used in this section, unless the context otherwise indicates, "school-age person" means all children up to the age of 18 years, as well as persons 18 years and older who are enrolled in a state-approved program of primary or secondary education, as defined in Title 20-A and persons as described in Title 34-B, section 5402, subsection 1 living at Pineland Center or in any of its residential facilities who are bussed to and from sites off the center grounds as part of their treatment.

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

Effective June 18, 1991.

CHAPTER 349

H.P. 1022 - L.D. 1495

An Act Dealing with Abandoned Automobiles in the State

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

29 MRSA §2610, sub-§5-A is enacted to read:

5-A. Abandonment of vehicle on public way. Abandonment of a vehicle on a public way is a civil violation for which a forfeiture not to exceed \$250 may be adjudged. A person who is found to have abandoned a vehicle under this subsection is responsible for any towing charges that are directly related to the abandonment of the vehicle.

See title page for effective date.

CHAPTER 350

H.P. 406 - L.D. 589

An Act to Facilitate Prosecution for Killing a Person While Hunting

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

12 MRSA §7406-A is enacted to read:

§7406-A. Target identification while hunting

1. Findings. Due to the large numbers of Maine citizens and visitors engaged in hunting in the State's woods during hunting season, the continued decline of unpopulated areas through the State, the widespread use of powerful weapons in the pursuit of wild animals and wild birds, and the growing presence of nonhunters engaged in nonhunting activities in the State's woods during hunting season, the Legislature finds that a sufficient risk of serious bodily injury or death to human beings is posed to make it necessary and prudent to provide guidance to those in pursuit of wild animals and wild birds on the matter of proper target identification.

2. Target identification; reasonable and prudent hunter. While hunting, a hunter may not shoot at a target without, at that point in time, being certain that it is the wild animal or wild bird sought. The target-determining process to be utilized is that which a reasonable and prudent hunter would observe in the same situation. A reasonable and prudent hunter always bears the risk of loss of legitimate prey to avoid the risk of the destruction of human life. A reasonable and prudent hunter neither disregards the risk of causing the death of another human being nor fails to be aware of that risk as a consequence of misidentification. A reasonable

and prudent hunter never bases identification upon sound alone or even upon sound in combination with what appears to be an appendage of the wild animal or wild bird sought. A reasonable and prudent hunter, independent of these target-determining factors, bases identification upon obtaining an essentially unobstructed view of the head and torso of the potential target. This visual sighting is the most critical target-determining factor. Visual sighting of the head and torso may present itself intermittently or continuously. If presented intermittently, a reasonable and prudent hunter does not make a target-identification decision until this visual sighting exists at the point in time the hunter takes aim and is making final preparation to shoot. A reasonable and prudent hunter additionally recognizes that these sound and sight target-determining factors are affected by a number of other considerations, including, but not limited to, the distance to the target, surrounding or intervening terrain and cover, lighting and weather conditions, the hunter's own ability to hear and see, the hunter's own experience and the proximity of other persons in the hunter's immediate vicinity.

See title page for effective date.

CHAPTER 351

H.P. 927 - L.D. 1324

An Act to Amend the Laws Regulating Aestheticians

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

Sec. 1. 32 MRSA §1551, sub-§8 is enacted to read:

8. Apprentice aesthetician. "Apprentice aesthetician" means any person who is engaged in learning and acquiring a knowledge of the practice of aesthetics under the direction and supervision of a person licensed under this chapter to practice aesthetics.

Sec. 2. 32 MRSA §1652-A, sub-§3, as amended by PL 1989, c. 700, Pt. A, §143, is repealed and the following enacted in its place:

3. Training. Within the immediately preceding 3 years, has satisfactorily completed a course of instruction in aesthetics of 750 hours in not less than 5 months in a school licensed by the Commissioner of Education or has experience in the practice of aesthetics as an apprentice of 1,250 hours distributed over a period of at least 7 months; and

Sec. 3. 32 MRSA §1655, 2nd and 4th paragraphs, as repealed and replaced by PL 1977, c. 398, §10, are amended to read:

~~Every apprentice in In order to avail himself of this chapter to practice cosmetology under this chapter, the apprentice shall, before entering upon his an apprenticeship, file with the board the name and place of business of his the apprentice's employer, the date of commencement of the apprenticeship and the full name and age of the apprentice, which age shall may not be less than 17 years. Any such apprentice who shall change his changes a place of employment shall promptly notify the board of the name and place of business of the new employer and the date of the change.~~

Every apprentice, after serving an apprenticeship of 18 months program as specified under this chapter, shall file application for examination at the next examination held by the board in accordance with the requirements of section 1652.

See title page for effective date.

CHAPTER 352

H.P. 1157 - L.D. 1698

An Act to Promote Participation in Affordable Telephone Service

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

Sec. 1. 35-A MRSA §7103 is enacted to read:

§7103. Affordable telephone service

The Public Utilities Commission shall require each local telephone company to participate in statewide outreach programs designed to increase the number of low-income telephone customers on the network through increased participation in any universal service programs approved by the commission. The Public Utilities Commission may adopt rules to implement this section.

Sec. 2. Public Utilities Commission report on the Maine Revised Statutes, Title 35-A, section 7103. The Public Utilities Commission must report to the Joint Standing Committee on Utilities by January 15, 1992 on any suggested or adopted programs for implementation of the Maine Revised Statutes, Title 35-A, section 7103.

See title page for effective date.

CHAPTER 353

H.P. 1021 - L.D. 1494

An Act to Extend the Sunset on Rating Practices in Group Health Insurance