

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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

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

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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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. 8 MRSA §279-A**, as amended by PL 1991, c. 579, §13, is further amended by adding after the 3rd paragraph a new paragraph to read:

Notwithstanding section 280, the commission may adopt a controlled medication program that permits controlled medication to be administered to racehorses.

**Sec. 2. 8 MRSA §280**, as amended by PL 1979, c. 731, §19, is further amended to read:

**§280. Use of drugs or appliance; veterinarian**

Any Except as provided in section 279-A, a person who attempts to or does interfere with, tamper, injure, destroy, stimulate or depress by the use of narcotics, drugs, stimulants or appliances of any kind any horse used for the purpose of racing, whether such that horse be is the property of such that person or another, or who causes or instigates, counsels or in any way aids or abets such that interference, tampering, injury or destruction or any person who shall influence influences or have has any understanding, arrangement or connivance with any person associated with or interested in any stable, horse, track or race in which any horse participates to prearrange the results of any such a race shall must be punished by a fine of not more than \$5,000 or by imprisonment for not more than 3 years, or by both. The owner of any horse which that is found to have been stimulated or doped shall must be denied any part of the purse offered for such a race, and the purse shall must be distributed as in case of a disqualification and all horses of such that owner shall must be barred from racing in this State for the balance of the racing season.

The Commissioner of Agriculture, Food and Rural Resources is authorized to employ a State Veterinarian. The duties of the veterinarian shall include the medical and physical examination and testing of horses to assure ensure compliance with the statutes, and advising the commission of any violation thereof.

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

Effective March 20, 1992.

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**CHAPTER 678**

**H.P. 1452 - L.D. 2064**

**An Act to Provide an Exemption to the Sunday Fishing Ban When a Storm Advisory or Storm Warning Is in Effect**

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

**12 MRSA §6440, sub-§2**, as enacted by PL 1977, c. 661, §5, is amended to read:

**2. Weekends.** During the period from 4 p.m., Eastern Daylight Savings Time, Saturday, to 1/2 hour before sunrise the following Monday morning from June 1st to August 31st, both days inclusive, except that it is lawful to raise, haul or transfer traps during this period if a hurricane warning issued by the National Weather Service is in effect for any coastal waters of the State.

See title page for effective date.

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**CHAPTER 679**

**H.P. 1471 - L.D. 2083**

**An Act Concerning the Stocking of Atlantic Salmon in Maine Rivers**

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

**Whereas**, the stocking program authorized in this legislation requires rulemaking before the program may be implemented; and

**Whereas**, preparation for the next fishing season must begin well in advance 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:**

**12 MRSA §7675** is enacted to read:

**§7675. Aquaculture stock**

**1. Acceptance of stock.** The Atlantic Sea Run Salmon Commission may accept salmon stock that are offered at no charge from commercial aquaculture hatcheries for release into state rivers subject to rules developed by the Atlantic Sea Run Salmon Commission.

**2. Rules.** The Atlantic Sea Run Salmon Commission shall adopt rules to implement this section. They must, at a minimum:

A. Ensure that no negative impact on existing gene pools results from the release of aquaculturally raised salmon;

B. Prohibit introduction of exotic species from the release of aquaculturally raised salmon;

C. Establish stock disease testing and monitoring procedures; and

D. Establish maximum stocking levels in state rivers. Notwithstanding subsection 1, the Atlantic Sea Run Salmon Commission is not required to accept salmon stock if maximum stocking levels are achieved, as long as those levels are maintained.

By March 1, 1993, the Atlantic Sea Run Salmon Commission shall report on this program to the joint standing committee of the Legislature having jurisdiction over marine resource matters.

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

Effective March 20, 1992.

## CHAPTER 680

H.P. 1559 - L.D. 2197

### An Act to Improve Disclosures of Automated Teller Machine Transactions

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

**Sec. 1. 9-B MRSA §243-A** is enacted to read:

**§243-A. Electronic terminals; fees for and records of transactions**

**1. Fees for use of terminals.** A financial institution authorized to do business in this State that operates electronic terminals may charge fees for the use of the terminals as specified in this section.

A. A financial institution may charge a reasonable foreign transaction fee for the use of an electronic terminal if the fee is disclosed:

(1) On a sign posted on the electronic terminal or in clear view of a customer while viewing the electronic terminal; or

(2) Electronically during the course of the transaction in a manner that permits a customer to cancel the transaction without incurring the transaction fee.

For the purposes of this paragraph, "foreign transaction fee" means a fee charged for the use of an electronic terminal to a noncustomer of the financial institution that owns the electronic terminal.

B. A financial institution may charge its own customers a reasonable fee for the use of an electronic terminal.

**2. Records of terminal transactions.** For each transaction processed by an electronic terminal, except for a transaction involving a negotiable instrument that is its own receipt, the electronic terminal must make available to the customer at the time of the transaction a record of each transaction. The record must include:

A. The amount of the transaction. A fee for the transaction may be included in this amount if the electronic terminal is owned or operated by a financial institution other than the financial institution that holds the customer's account if the fee is disclosed on the record of the transaction and in accordance with subsection 1;

B. The date of the transaction;

C. The type of transaction and the type of account to which or from which money is transferred. Codes may be used for this purpose if they are explained on the record of the transaction;

D. A number or code that identifies the customer, the customer's account number or the device used to access the electronic terminal;

E. The location of the electronic terminal or a number or code identifying that location; and

F. The name of each 3rd party to whom or from whom money is transferred, if the name provided by the customer can be reproduced by the electronic terminal on the record of the transaction. A code may be used for this purpose only if it is explained on the record of the transaction.

See title page for effective date.

## CHAPTER 681

H.P. 1493 - L.D. 2105

### An Act Regarding Loans to Stockholders, Directors or Officers of Financial Institutions

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

**Sec. 1. 9-B MRSA §439-A, sub-§§2 and 4,** as enacted by PL 1991, c. 34, §8, are amended to read: