

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.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

E. If a water toxics monitoring program is not currently in place, the commissioner's recommendations on the appropriate design and necessary components of a monitoring program to fill existing gaps in data and to provide for ongoing data collection. A plan for this program must be developed that includes identification and prioritization of water bodies to be monitored based on known and suspected sources, identification of toxic substances to be monitored, description of methods to be used, a monitoring schedule and development of reporting and review requirements. The commissioner shall identify the level of funding required for the program and propose a strategy to fund the program.

Sec. 4. Public participation. In all of the activities required under section 3 of this Act including the development and review of findings and recommendations, the commissioner shall consult with an advisory group convened and selected by the commissioner from representatives of the regulated community, including industry, small businesses and municipalities; public interest groups, including environmental and public health organizations; the commercial fishing industry; recreational fishing groups; and the general public.

See title page for effective date.

CHAPTER 736

H.P. 1555 - L.D. 2193

An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties

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

Sec. 1. 12 MRSA §7076, sub-§4, as amended by PL 1991, c. 59, §1, is further amended to read:

4. Resident disabled war veterans. A complimentary license to hunt or fish, or a combination hunting and fishing license, and, if requested, a pheasant hunting permit and a muzzle-loading hunting license under section 7107-A must be issued to any resident of Maine who:

- A. Is a veteran, as defined in Title 37-B, section 505, subsection 1, paragraph A, subparagraph (5);
- B. Has a service-connected disability evaluated at 70% or more as a result of honorable military service;
- C. Has served in a combat zone during either World War I, World War II, the Korean War or the Vietnam War; and

D. Applies for that license to the commissioner.

This application must be accompanied by a photo copy of the applicant's final DD form 214 or other evidence satisfactory to the commissioner that the applicant meets the requirements of this subsection. Each license issued under this subsection remains valid through December 31st of the 2nd complete calendar year following the year of issuance.

Sec. 2. 12 MRSA §7106-A is enacted to read:

§7106-A. Pheasant hunting permit

1. Issuance. The commissioner or the commissioner's authorized agent shall issue a pheasant hunting permit in the form of a stamp to applicants 16 years of age or older permitting them to hunt or possess pheasant in Cumberland County and York County. Persons under 16 years of age may, without such a permit, hunt or possess pheasant in accordance with chapters 701 to 721.

2. Fee. The fee for a pheasant hunting permit is \$16, \$1 of which is retained by the commissioner's authorized agent.

3. Validation. A pheasant hunting permit is validated by the permittee writing the permittee's signature across the face of the stamp in ink.

4. Restrictions. The following apply to the hunting or possession of any pheasant.

A. A pheasant hunting permit must be exhibited to any warden or employee of the department upon request.

B. Permittees shall keep an unexpired, validated pheasant hunting permit in their possession when hunting or possessing any pheasant.

5. Repeal; report; limitations. This section is repealed June 30, 1993. The commissioner, with the cooperation of rod and gun clubs that raise pheasants, shall report to the joint standing committee of the Legislature having jurisdiction over fisheries and wildlife matters by January 1, 1993. The report must include recommendations concerning the continuation of the pheasant hunting permit program, including how it may be funded and the role of the rod and gun clubs in acquiring and raising pheasants. The report must also include a planned pheasant stamp design to make the stamp design attractive to collectors.

The department may purchase pheasants but may not raise or be directly involved in the production of pheasants for release to supply pheasants for pheasant hunting.

Sec. 3. 12 MRSA §7405-A is enacted to read:

§7405-A. Pheasant hunting

Pheasant hunting is governed by the license and permit provisions of sections 7105 and 7106-A.

1. Repeal. This section is repealed June 30, 1993.

See title page for effective date.

CHAPTER 737

H.P. 1544 - L.D. 2177

An Act to Authorize the Granting of Administrative Good Time to Those Inmates Who Are Aggressively Pursuing High School Equivalency Certificates or the Achievement of Functional Literacy

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

Sec. 1. 17-A MRSA §1253, sub-§4, as amended by PL 1991, c. 259, §1, is further amended to read:

4. Up to an additional 3 days per month may be deducted in the case of those inmates committed to the Department of Corrections who are assigned or participating in work and, education or other responsibilities within the institution or program that are deemed determined to be of sufficient importance to warrant those deductions by the institution head in accordance with policy and guidelines established by the Department of Corrections.

See title page for effective date.

CHAPTER 738

H.P. 1522 - L.D. 2151

An Act to Amend the Laws Governing Resident-owned Cooperative Mobile Home Parks

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

Whereas, emergency enactment of this legislation is necessary because tenants of mobile home parks are forming cooperatives now; 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:

10 MRSA §9097, sub-§4, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Rules. A mobile home park owner may adopt reasonable rules governing the conduct of tenants, if the rules are reasonably related to preserving the order and peace of other tenants and the mobile home park. ~~No~~ A park rule may not be unreasonable, unfair or unconscionable. Any rule or change in rent ~~which that~~ does not apply uniformly to all park tenants creates a rebuttable presumption that the rule or change in rent is unfair unless the rule or change in rent is made by majority vote of all the members in a resident-owned cooperative. Any park rule ~~which that~~ does not comply with this section is void. For purposes of this subsection, "resident-owned cooperative" means a corporation or other legal entity that owns the mobile home park, the ownership interest in which is held only by residents of the mobile home park.

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

Effective March 26, 1992.

CHAPTER 739

S.P. 846 - L.D. 2150

An Act to Provide Broader Immunity to Licensed Facilities and Establishments Donating Food

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

Whereas, the goal of this legislation is to encourage people to donate food to nonprofit organizations for free distribution to needy people; 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. 14 MRSA §166, sub-§5 is enacted to read: