

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

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

regarding an equitable division of the union school's property between the union and the municipality represented by the committee and transfer title of the property to the municipality following withdrawal. The school committees must determine that the union's educational program may not be disrupted solely because of the transfer of any given property before the union's school committees may complete the transfer.

Sec. 2. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

CHAPTER 865

H.P. 1601 - L.D. 2263

An Act Regarding Concealed Weapons Permit Fees

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

Whereas, legislation passed in the First Regular Session of the 115th Legislature increased the application fee for a concealed weapon permit; and

Whereas, applicants are paying the new fee for permits that are now being issued; and

Whereas, emergency enactment of this legislation will reduce the fee for concealed weapon permits and avoid overburdening the applicants requesting concealed weapon permits; 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. 25 MRSA §2003, sub-§1, ¶E, as amended by PL 1991, c. 591, Pt. EE, §1, is further amended by amending subparagraph (4):

(4) Submits an application fee of ~~\$60~~ \$35 for an original application, ~~\$15~~ \$10 of which must be retained by the municipality and ~~\$45~~ \$25 of which must be paid over by the municipality to the Treasurer of State, and ~~\$60~~

\$20 for a renewal, ~~\$15~~ \$5 of which must be retained by the municipality and ~~\$45~~ \$15 of which must be paid over by the municipality to the Treasurer of State, for a resident of the State. A person who paid \$60 for a concealed weapons permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized. The fee covers both the cost of processing the application by the issuing authority and the cost of the permit to carry concealed firearms issued by the issuing authority; and

Sec. 2. 25 MRSA §2003, sub-§7, as amended by PL 1991, c. 591, Pt. EE, §2, is further amended to read:

7. Nonresident. Any nonresident who meets the requirements of this section may make an application to the Chief of the State Police and the application, fee and permit provisions of this section apply, except that a nonresident applicant shall submit an application fee of ~~\$80~~ which \$60 that must be paid to the Treasurer of State. A person who paid \$80 for a permit during 1991 or 1992 is entitled to a \$20 credit toward permit renewal fees. The fee required under this subsection must be applied to the expenses of administering this subsection.

Sec. 3. 25 MRSA §2003, sub-§§8 and 12, as enacted by PL 1985, c. 478, §2, are amended to read:

8. Term of permit. All concealed firearm permits are valid for ~~3~~ 4 years from the date of issue, unless sooner revoked for cause by the issuing authority. If a permit renewal is issued before the expiration date of the permit being renewed, the permit renewal is valid for 4 years from the expiration date of the permit being renewed.

12. Permit for a resident of 5 or more years to be issued or denied within 30 days; permit for a nonresident and resident of less than 5 years to be issued or denied within 60 days. The issuing authority, as defined in this chapter, shall issue or deny, and reply in writing as to the reason for any denial, within 30 days of the application date in the case of a resident of 5 or more years and within 60 days of the application date in the case of a nonresident or in the case of a resident of less than 5 years. If the issuing authority does not issue or deny a request for a permit renewal within the time limits specified in this subsection, the validity of the expired permit is extended until the issuing authority issues or denies the renewal.

Sec. 4. 25 MRSA §2003, sub-§13 is enacted to read:

13. Fee waiver. An issuing authority may waive the permit fee for a permit issued to a law enforcement officer certified by the Maine Criminal Justice Academy.

Sec. 5. 25 MRSA §2003, sub-§14 is enacted to read:

14. Lapsed permit. A person may apply for renewal of a permit at the permit renewal rate at any time within 6 months after expiration of a permit. A person who applies for a permit more than 6 months after the expiration date of the permit last issued to that person must submit an original application and pay the original application fee.

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

Effective April 9, 1992.

CHAPTER 866

H.P. 1428 - L.D. 2040

An Act to Increase the Penalties for Committing Repeated Crimes against the Person and Repeated Acts of Domestic Violence

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

Sec. 1. 17-A MRSA §212 is enacted to read:

§212. Classification of offenses against the person

1. A violation of this chapter committed against a member of the actor's family or household that would otherwise be a Class D crime is a Class C crime if the actor has 2 or more prior Maine convictions for violations of any combination of this chapter or of Title 19, section 769. For purposes of this section, the dates of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same date. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of the offense being enhanced is presumed to be that date stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

2. It is an affirmative defense to prosecution under this section that a victim of any of the prior offenses was not a member of the actor's family or household.

3. As used in this section, "member of the actor's family or household" means the actor's spouse or former spouse, an individual presently or formerly living together

with the actor as spouse, the natural parent of the actor's child, an adult household member related to the actor by consanguinity or affinity and an individual presently or formerly living together with the actor as a sexual partner. Professing to be a spouse is not necessary to constitute "living as spouses."

See title page for effective date.

CHAPTER 867

H.P. 1560 - L.D. 2198

An Act to Discourage Illegal Dumping of Waste

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

Sec. 1. 38 MRSA §423-C is enacted to read:

§423-C. Registered owner's liability for vehicle illegally discharging waste

A person who is a registered owner of a vehicle at the time that vehicle is involved in a violation of section 423-A commits a civil violation subject to the provisions of section 349, subsection 2, except as provided in subsection 4. For purposes of this section, "registered owner" includes a person issued a dealer or transporter registration plate.

1. Report violation; investigation. A person who observes a violation of section 423-A may report the violation to a police officer. If a report is made, the person shall report the time and the location of the violation and the registration plate number and a description of the vehicle involved. The officer shall initiate an investigation of the reported violation and, if possible, contact the registered owner of the motor vehicle involved and request that the registered owner supply information identifying the operator.

2. Summons. The investigating officer may cause the registered owner of the vehicle to be served with a summons for a violation of this section.

3. Registered owner not operator. Except as provided in subsection 4, it is not a defense to a violation of this section that a registered owner was not operating the vehicle at the time of the violation.

4. Defenses. The following are defenses to a violation of this section.

A. If a person other than the owner is convicted of operating the vehicle at the time of the violation in violation of section 423-A, the registered owner may not be found in violation of this section.