

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

11.0%	12.0%	2.1%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	3.2%
10.0%	11.0%	2.2%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	3.3%
9.0%	10.0%	2.3%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.4%
8.0%	9.0%	2.4%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.5%
7.0%	8.0%	2.5%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.6%
6.0%	7.0%	2.6%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.7%
5.0%	6.0%	2.7%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.8%
4.0%	5.0%	2.8%	2.9%	3.0%	3.1%	3.2%	3.3%	3.4%	3.9%
3.0%	4.0%	3.0%	3.1%	3.2%	3.3%	3.4%	3.5%	3.6%	4.1%
2.0%	3.0%	3.2%	3.3%	3.4%	3.5%	3.6%	3.7%	3.8%	4.3%
1.0%	2.0%	3.4%	3.5%	3.6%	3.7%	3.8%	3.9%	4.0%	4.5%
.0%	1.0%	3.6%	3.7%	3.8%	3.9%	4.0%	4.1%	4.2%	4.7%
-1.0%	.0%	3.8%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.9%
-2.0%	-1.0%	3.9%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	5.0%
-3.0%	-2.0%	4.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	5.1%
-4.0%	-3.0%	4.1%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	5.2%
-5.0%	-4.0%	4.2%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	5.3%
-6.0%	-5.0%	4.3%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.4%
-7.0%	-6.0%	4.4%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.5%
-8.0%	-7.0%	4.5%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.6%
-9.0%	-8.0%	4.6%	4.7%	4.8%	4.9%	5.0%	5.1%	5.2%	5.7%
-10.0%	-9.0%	4.8%	4.9%	5.0%	5.1%	5.2%	5.3%	5.4%	5.9%
-11.0%	-10.0%	5.0%	5.1%	5.2%	5.3%	5.4%	5.5%	5.6%	6.1%
-12.0%	-11.0%	5.2%	5.3%	5.4%	5.5%	5.6%	5.7%	5.8%	6.3%
under	-12.0%	5.4%	5.5%	5.6%	5.7%	5.8%	5.9%	6.0%	6.5%
under	-12.0%	6.4%	6.5%	6.6%	6.7%	6.8%	6.9%	7.0%	7.5%

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

Effective April 1, 1993.

CHAPTER 23

H.P. 73 - L.D. 103

An Act to Utilize Local Enforcement Mechanisms for Land Use Violations

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

Sec. 1. 30-A MRSA §4452, sub-§1, as amended by PL 1991, c. 732, §1, is further amended to read:

1. Enforcement. A municipal official, such as a municipal code enforcement officer, local plumbing inspector or building inspector, who is designated by ordinance or law with the responsibility to enforce a particular law or ordinance set forth in subsection 5 ~~or~~, 6 or 7, may:

A. Enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with the laws or ordinances set forth in subsection 5. A municipal official's entry onto property under this paragraph is not a trespass;

B. Issue a summons to any person who violates a law or ordinance, which the official is authorized to enforce; and

C. When specifically authorized by the municipal officers, represent the municipality in District Court in the prosecution of alleged violations of ordinances or laws, which the official is authorized to enforce.

Sec. 2. 30-A MRSA §4452, sub-§7 is enacted to read:

7. Natural resources protection laws. A code enforcement officer, authorized by a municipality to represent that municipality in District Court and certified by the Commissioner of Human Services under section 4221 as familiar with court procedures, may enforce the provisions of the natural resources protection laws, Title 38, chapter 3, subchapter 1, article 5-A, by instituting injunctive proceedings or by seeking civil penalties in accordance with Title 38, section 349, subsection 2.

Sec. 3. State and local cooperation. Whenever possible, the Department of Environmental Protection shall notify municipal code enforcement officers or

Sec. 8. Retroactivity. Sections 6 and 7 of this Act apply retroactively to January 1, 1993.

Sec. 9. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 26, section 1164, the State Controller is authorized to transfer \$2,100 before June 30, 1993, \$4,454 before June 30, 1994 and \$2,354 before June 30, 1995 from the Special Administrative Expense Fund to the General Fund as undedicated revenue.

Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1992-93	1993-94	1994-95
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF			
Departmentwide			
Personal Services	\$2,100	\$4,454	\$2,354
Provides funding for additional unemployment compensation costs. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer is authorized to transfer funds within the department to General Fund accounts as required to provide funding for these unemployment compensation costs.			

other appropriate municipal officials of violations of the natural resource protection laws, the Maine Revised Statutes, Title 38, chapter 3, subchapter I, article 5-A in that municipality. The Commissioner of Environmental Protection and municipalities that intend to enforce violations of the natural resources protection laws pursuant to the Maine Revised Statutes, Title 38, section 480-R, subsection 2, are encouraged to discuss options for resolving violations in a manner that ensures compliance with laws of the State while promoting cooperation between state and municipal government.

Sec. 4. Application. This Act may not be construed in any way to limit the Department of Environmental Protection's responsibility or authority to enforce the environmental laws of the State, and it may not be construed to require any municipality to enforce any provision of the natural resource protection laws.

See title page for effective date.

CHAPTER 24

H.P. 93 - L.D. 123

An Act to Amend the Archery Hunting Requirements

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

Sec. 1. 12 MRSA §7076, sub-§1, as amended by PL 1991, c. 17, §1 and affected by §2, is further amended to read:

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section ~~7102~~ 7102-A, and a muzzle-loading hunting license under section 7107-A, must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of their 70th birthday must be issued a license upon application, regardless of the actual date during that calendar year in which they attain age 70. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. When the holder of a license issued under this subsection no longer satisfies the residency requirements set out in section 7001, subsection 32, the license is no longer valid and further use of the license

for purposes of hunting, fishing or trapping constitutes a license violation under section 7371, subsection 3.

Sec. 2. 12 MRSA §7102, as amended by PL 1991, c. 443, §§8 to 10, is repealed.

Sec. 3. 12 MRSA §7102-A is enacted to read:

§7102-A. Archery hunting license

1. Eligibility. A person is eligible to obtain an archery hunting license as provided in this subsection.

A. A resident or nonresident 16 years of age or older who has satisfied the provisions of subsection 5 may obtain an archery hunting license to hunt with bow and arrow from the commissioner or the commissioner's authorized agent.

B. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with bow and arrow, if that person holds a valid junior hunting license.

C. A person under 10 years of age may not hunt with bow and arrow at any time.

2. Fees. Clerks or other agents appointed by the commissioner to issue archery hunting licenses shall charge a fee of \$1 for each archery hunting license issued. The commissioner shall charge a fee of \$1 for each archery hunting license issued by department employees.

3. Application and issuance. Licenses must be obtained from clerks or agents as provided in this subsection.

A. An applicant may obtain a resident archery hunting license only from the clerk or an agent in the town in which the applicant resides.

B. An applicant domiciled in an unorganized township may obtain a resident archery hunting license from the clerk or an agent in the nearest town.

4. Schedule of fees. The schedule of fees for archery hunting licenses is as follows:

A. Resident archery hunting license, \$15;

B. Resident combination archery hunting and fishing license, \$28;

C. Nonresident archery hunting license, \$47; and

D. Alien archery hunting license, \$62.

5. Archery hunter education requirements. A person who applies for an archery hunting license, other