

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards; and

C. Any site within a shoreland area zoned for resource protection abutting a great pond, beyond the 75-foot strip restricted in paragraph B, where timber is harvested must be reforested within 2 growing seasons after the completion of the harvest, according to guidelines adopted by the board. The board shall adopt guidelines consistent with minimum stocking standards established under Title 12, section 8869.

The board may adopt more restrictive guidelines consistent with the purposes of this subchapter that must then be incorporated into local ordinances. Timber harvesting operations exceeding the 40% limitation in paragraph A may be allowed by a planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and is carried out in accordance with the purposes of shoreland zoning. The planning board shall notify the commissioner of each exception allowed.

See title page for effective date.

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## CHAPTER 56

S.P. 303 - L.D. 919

### An Act to Extend the Commission to Study the Future of Maine's Courts

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

**Whereas,** the Commission to Study the Future of Maine's Courts, which has worked since 1989 to develop recommendations to promote equal justice for all those served by the courts, has submitted its final report to be presented to the Legislature; and

**Whereas,** the commission has operated without any contribution of General Fund or other state money, instead seeking and securing grant funds from organizations supporting planning activities for accommodating the judicial needs of the 21st century; and

**Whereas,** official approval of the commission's activities to carry out its charge through the end of the grant funding and reporting cycles and to begin the process of implementing its recommendations is appropriate; 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. PL 1989, c. 891, Pt. B, §8,** as amended by PL 1991, c. 539, §2, is further amended to read:

**Sec. B-8. Commencement and continuation of commission.** The commencement and continuation of the commission through ~~February 28~~ August 1, 1993, are contingent on the commission's successful solicitation of funds from sources other than the General Fund. The chair is authorized to solicit and receive funds on behalf of the commission before its first meeting.

**Sec. 2. Retroactivity.** Section 1 of this Act takes effect retroactively to February 28, 1993.

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

Effective April 8, 1993, unless otherwise indicated.

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## CHAPTER 57

H.P. 202 - L.D. 264

### An Act Regarding Motorized Wheelchairs

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

**Sec. 1. 29 MRSA §1, sub-§7,** as amended by PL 1989, c. 243, is further amended to read:

**7. Motor vehicle.** "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, but not including motorized wheelchairs, snowmobiles as defined in Title 12, section 7821, and all-terrain vehicles as defined in Title 12, section 7851, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title. Notwithstanding any other provision of law, whenever an all-terrain vehicle is operated on a way as defined in ~~section 1~~, subsection 21, then that all-terrain vehicle ~~shall be~~ is subject to all provisions of this Title, except chapters 5, 7, 9, 21, 23 and 25, and chapter 22, sections 2502 ~~through to~~ to 2525.

**Sec. 2. 29 MRSA §1, sub-§9-D** is enacted to read:

**9-D. Pedestrian.** "Pedestrian" means a person on foot or an operator of a wheelchair or a 4-wheeled or 3-wheeled motorized wheelchair.

**Sec. 3. 29 MRSA §253**, as amended by PL 1987, c. 415, §7, is repealed.

See title page for effective date.

## CHAPTER 58

H.P. 83 - L.D. 113

### An Act to Create a Program to Promote the Purchase of State-grown Produce by Needy Persons

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

**Whereas**, it is important that all people have easy access to fresh and nutritious food; and

**Whereas**, promoting the purchase of state-grown produce by those who are nutritionally deprived will benefit the consumer who may as a result eat more and fresh produce and also Maine farmers, food processors and food outlets; and

**Whereas**, unless this legislation is enacted as an emergency measure, the program may not be available for the 1993 harvest; 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. 7 MRSA c. 101, sub-c. II-B** is enacted to read:

#### SUBCHAPTER II-B

#### STATE-GROWN PRODUCE PROGRAM

##### §471. Farmers' Market Program

The department, in cooperation with the Commissioner of Human Services or the commissioner's designee, shall adopt rules to institute and administer a program to promote the purchase of state-grown and processed food products at local farmers' markets and farmstands by nutritionally at-risk groups.

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

Effective April 15, 1993.

## CHAPTER 59

S.P. 65 - L.D. 127

### An Act to Amend the Laws Related to Pawn Transactions

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

**Sec. 1. 30-A MRSA §3960** is enacted to read:

#### **§3960. Definitions**

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Pawn transaction.** "Pawn transaction" means the lending of money on the security of pledged tangible personal property. The term also includes the purchase of tangible personal property on the condition that it may be repurchased by the seller for a fixed price within a fixed period of time.

**2. Pawnbroker.** "Pawnbroker" means a person who engages in pawn transactions.

**Sec. 2. 30-A MRSA §3962**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

#### **§3962. Account of business done and disclosure to consumer**

**1. Account kept.** Every pawnbroker shall ~~keep a book~~ maintain records in which the pawnbroker shall enter:

A. The date, duration, amount ~~and~~ periodic rate of interest and annual percentage rate of every loan that is made;

A-1. The finance charge, due dates for payment and the total payment needed to redeem or repurchase the pawned property;

B. An accurate account and description of the property pawned; ~~and~~

B-1. The terms of redemption or repurchase, including any reduction in the finance charge for early redemption or repurchase and the right of the con-