

# 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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**Sec. 9. 10 MRSA §1100-P, sub-§2**, as enacted by PL 1983, c. 856, §4, is amended to read:

**2. Authority.** The authority shall file a report showing the balance of the each Job-start Revolving Loan Fund, the status of all outstanding loans and a report on all other program activities as part of the annual report required by section 974.

**Sec. 10. Transition provisions.** The Finance Authority of Maine, in consultation with the community action agencies, shall develop rules for the establishment of and transfer of funds to separate revolving loan funds for community action agencies. These rules must be adopted in accordance with the Maine Administrative Procedure Act and must allow the community action agencies making the showings required by this Act to commence administration of the program locally by no later than July 1, 1994.

See title page for effective date.

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## CHAPTER 215

H.P. 710 - L.D. 961

### An Act to Exempt Lawful Marine Harvesting Activities in Coastal Wetlands from the Natural Resource Protection Laws

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

**Sec. 1. 38 MRSA §480-Q, sub-§11**, as amended by PL 1991, c. 240, §2, is further amended to read:

**11. Soil evaluation.** Borings taken to evaluate soil conditions in or adjacent to a great pond, river, stream or brook, coastal wetland, freshwater wetland or sand dune are exempt from the provisions of this article provided that no area of wetland vegetation is destroyed or permanently removed; and

**Sec. 2. 38 MRSA §480-Q, sub-§12**, as enacted by PL 1991, c. 240, §3, is amended to read:

**12. Existing access ways.** Normal maintenance and repair or reconstruction of existing access ways in freshwater or coastal wetlands to residential dwellings as long as:

A. The applicant shows evidence that the access way in disrepair is the existing route of access to the residential dwelling;

B. Erosion control measures are used;

C. Intrusion of the access way into the freshwater or coastal wetland is minimized and allows for proper drainage where necessary;

D. The access way, if in a coastal wetland, is traditionally dry at mean high tide; and

E. A notice of intent to maintain, repair or reconstruct the access way and the description of the work to be completed are submitted to the commissioner and to the municipal reviewing authority at least 20 days before the work is performed; and

**Sec. 3. 38 MRSA §480-Q, sub-§13** is enacted to read:

**13. Lawful harvesting of marine organisms or vegetation in coastal wetlands.** A person lawfully engaged in the harvesting of marine organisms or vegetation under the provisions of Title 12, chapter 605 is not required to obtain a permit to engage in those activities in a coastal wetland. Within a coastal wetland, the removal of vegetation or displacement of soil associated with or authorized by those lawful activities is not a violation of this article.

See title page for effective date.

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## CHAPTER 216

S.P. 210 - L.D. 681

### An Act to Prohibit Commercial Hunting on Unlicensed Land

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

**Sec. 1. 12 MRSA §7104-A** is enacted to read:

**§7104-A. Prohibition on game fees**

A person may not charge any fee for access to land if the fee is contingent upon the taking of game on that land or directly related to the taking of game on the land unless the land is an authorized commercial shooting area licensed under section 7104. This section does not apply to the following fees:

**1. Gate fees.** Gate fees or other access fees that are unrelated to the taking of game;

**2. Guiding fees.** Fees charged by licensed guides or other fees that are unrelated to access to land; or

**3. Fees for placing bear bait.** Fees that are directly related to the placing of bear bait on land.

**Sec. 2. 12 MRSA §7406, sub-§17-A** is enacted to read:

**17-A. Game fees.** A person is guilty of charging illegal game fees if the person charges a fee in violation of section 7104-A.

See title page for effective date.

## CHAPTER 217

**H.P. 649 - L.D. 887**

### **An Act to Permit Owners of Property to Seek Indemnification from Parties Responsible for Violations of Clear-cutting Laws**

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

**Sec. 1. 12 MRSA §8869, sub-§12** is enacted to read:

**12. Right of action.** A landowner found in violation of this section and penalized under section 9701 as a result of actions of a harvester has a right of action to recover the penalty against the harvester who undertook the harvest operation found in violation. In addition to all other defenses permitted by law, it is a defense that the harvester operated under the landowner's instructions. For the purposes of this subsection, the terms "harvester" and "harvest operation" have the same meanings as in section 8881.

See title page for effective date.

## CHAPTER 218

**H.P. 550 - L.D. 746**

### **An Act to Increase Tenant Representation on Housing Authorities**

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 30-A MRSA §4723, sub-§1, ¶A,** as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Each authority shall ~~have 6~~ appoint 7 commissioners ~~appointed~~. No commissioner may be appointed until the authority is authorized to function as provided in section 4721. In the case of a city having a mayor-council form of government, the mayor shall appoint the commissioners with the advice and consent of the council. In the case of a city having a manager-council form of government, the council shall appoint the commissioners. In the case of a town, the ~~selectmen~~ municipal officers shall appoint the commissioners.

Any person who resides within the authority's boundaries or area, and who is otherwise eligible for appointment under this chapter, may be appointed as a commissioner of the authority. This section does not prevent a commissioner from concurrently serving as a commissioner on a renewal authority established by any city with a population of 20,000 or more.

The commissioners who are initially appointed under this section ~~shall be designated to serve~~ for terms of one, 2, 3, 4 and 5 years, respectively, from the date of their appointment. Thereafter, the commissioners ~~shall be~~ are appointed for a ~~term~~ term of 5 years, except that all vacancies ~~shall~~ must be filled for the unexpired terms. All subsequent appointments and appointments to fill a vacancy ~~shall~~ must be made as provided in this subsection.

(1) In a municipality with housing ~~which~~ that is subsidized or assisted by programs of the United States Department of Housing and Urban Development, ~~one~~ at least 2 of the commissioners must be a ~~resident~~ resident residents of that housing. ~~Where~~ When tenant associations exist in the housing, the appointing authority shall give priority consideration to nominations made by the associations. The first commissioner appointed to an authority, who is a resident of subsidized or assisted housing, ~~shall be designated to serve~~ serves for a 4-year term from the date of appointment. Thereafter, the commissioner ~~shall~~ must be appointed as provided in this subsection.

(2) A certificate of the appointment or reappointment of any commissioner ~~shall~~ must be filed with the authority. This certificate is conclusive evidence of the due and proper appointment of the commissioner.

See title page for effective date.