

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

as the party responsible for payment of medical expenses for that minor child. In addition, a report may not be made until after the debt collector has notified, or made a good faith effort to notify, the responsible party of that party's obligation to pay the overdue medical expenses. The debt collector may request reasonable verification of the order, including requesting a certified copy of the order.

See title page for effective date.

CHAPTER 366

H.P. 640 - L.D. 871

An Act to Confirm when Site Location of Development Approval Is Unnecessary

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

Whereas, state law currently provides that transfers, by sale or lease, of lots to an abutting owner are exempt from review as a subdivision under the site location of development laws; and

Whereas, the Legislature's intent in creating this exemption from review as a subdivision is also to exempt those transfers to abutters from site location of development law review; and

Whereas, the Department of Environmental Protection has promulgated rules that are contrary to this legislative intent or are being interpreted in a manner contrary to this legislative intent; and

Whereas, it is necessary for the Legislature to confirm its legislative intent in this regard; 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. 38 MRSA §482, sub-§5, ¶E, as amended by PL 1991, c. 500, §3, is further amended to read:

E. Unless intended to circumvent this article, the following transactions may not be considered lots offered for sale or lease to the general public:

- (1) Sale or lease of lots to an abutting owner or to a spouse, child, parent, grandparent or sibling of the developer;

(2) Personal, nonprofit transactions, such as the transfer of lots by gift or devise; or

(3) Grant of a bona fide security interest in the whole lot or subsequent transfer of the whole lot by the original holder of the bona fide security interest or that person's successor in interest; ~~and~~

Sec. 2. 38 MRSA §482, sub-§5, ¶F, as repealed and replaced by PL 1987, c. 812, §§7 and 18, is amended to read:

F. In those subdivisions ~~which that~~ would otherwise not require site location approval, unless intended to circumvent this article, the following transactions ~~shall may~~ not, except as provided, be considered lots offered for sale or lease to the general public:

- (1) Sale or lease of common lots created with a conservation easement as defined in Title 33, section 476, provided that the ~~Department of Environmental Protection department~~ is made a party; ~~and~~

Sec. 3. 38 MRSA §482, sub-§5, ¶H is enacted to read:

H. The transfer of contiguous land by a permit holder to the owner of a lot within a permitted subdivision is exempt from review under this article, provided that the land was not owned by the permit holder at the time the department approved the subdivision. Further division of the transferred land must be reviewed under this article.

Sec. 4. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to all lots in all subdivisions that have received approval under the site location of development laws as well as all pending proceedings.

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

Effective June 16, 1993.

CHAPTER 367

H.P. 740 - L.D. 998

An Act to Promote Proper Animal Health Care

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

Sec. 1. 7 MRSA §1808, first ¶, as amended by PL 1967, c. 204, is further amended to read:

~~No A biological product containing living organisms or viruses capable of eliciting an immunological response offered for use in the treatment or prevention of diseases of domestic animals shall may not be produced, sold, distributed, imported or used within the State, or imported into the State for sale, distribution or use unless approval and written permission has first been obtained from the commissioner, or his the commissioner's agent in charge of livestock sanitary work, for the distribution and use of such that product. The commissioner or his the commissioner's agent has the right to refuse permission for such distribution, sale, importation or use of any such product within the State, and may require reporting of sale, distribution, importation or use of any such product within the State, if permission is granted.~~

See title page for effective date.

CHAPTER 368

H.P. 660 - L.D. 898

An Act Concerning Juvenile Offenders

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

Sec. 1. 15 MRSA §393, sub-§1, as amended by PL 1989, c. 917, §1, is repealed and the following enacted in its place:

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm, unless that person has obtained a permit under this section, if that person:

A. Has been convicted of a crime, under the laws of the United States, this State or any other state, that is punishable by imprisonment for one year or more;

B. Has been convicted of a crime, under the laws of the United States, this State or any other state, that was committed with the use of a dangerous weapon or a firearm against a person, except for a violation of former Title 12, chapter 319, subchapter III; or

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

(1) Under paragraph A and bodily injury to another person was threatened or resulted;
or

(2) Under paragraph B.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 2. 15 MRSA §393, sub-§1-A is enacted to read:

1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

Sec. 3. 15 MRSA §393, sub-§2, as amended by PL 1985, c. 478, §1, is further amended to read:

2. Application after 5 years. Any A person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date that the person is finally discharged from any and all the sentences imposed as a result of the conviction or adjudication, apply to the Commissioner of Public Safety for a permit to carry a firearm. Such a That person shall may not be issued a license permit to carry a concealed firearm pursuant to Title 25, chapter 253-A 252.

Sec. 4. 25 MRSA §2003, sub-§1, ¶C, as enacted by PL 1985, c. 478, §2, is repealed.

Sec. 5. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1989, c. 917, §8, is further amended to read:

D. Submits an application that contains the following:

- (1) Full name;
- (2) Full current address and addresses for the prior 5 years;
- (3) The date and place of birth, height, weight and, color of eyes, color of hair, sex and race;
- (4) A record of previous issuances of, refusals to issue and revocations of a permit to carry concealed firearms or other concealed weapons by any issuing authority in the State or any other jurisdiction. The record of pre-