

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

A. A low emission adjustment is performed on the vehicle; and

B. ~~Either the estimated cost of repairs and adjustment necessary to bring the vehicle into compliance with emission standards or the actual~~ The cost of repairs already performed on the vehicle in accordance with the inspection report under section 2404, subsection 3 exceeds the repair cost limit as specified in subsection 4.

Sec. 11. 38 MRSA §2405, as enacted by PL 1991, c. 818, §2, is repealed.

Sec. 12. 38 MRSA §2407, sub-§1, as enacted by PL 1991, c. 818, §2, is amended to read:

1. Amount. The board shall establish by rule an inspection fee to cover the cost of the inspection of a motor vehicle at a public emission inspection station, the cost of services rendered as part of the contract entered under section 2404, subsection 2 and the administrative costs of the department. The inspection fee may not exceed ~~\$36~~ \$24 per vehicle.

Sec. 13. 38 MRSA §2408, sub-§2, ¶B, as enacted by PL 1991, c. 818, §2, is repealed.

Sec. 14. Report. By January 15, 1996, the Commissioner of Environmental Protection shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters as to whether the motor vehicle emission inspection and maintenance program with the low-mileage waiver established under the Maine Revised Statutes, Title 38, section 2402, subsection 4, paragraph I meets the requirements of the Federal Clean Air Act, as amended.

Sec. 15. On-road testing. The Department of Environmental Protection has the authority to conduct on-road emissions testing of motor vehicles for the purpose of determining compliance with this Act. The owner or operator of a motor vehicle failing an on-road emissions test is required to report to a public emission inspection station for an off-cycle emission inspection within 30 days of notification. Failure to submit to an off-cycle inspection and comply with the requirements of this Act results in the suspension of registration by the Secretary of State. The suspension may be appealed in the manner provided by and subject to the provisions of the Maine Revised Statutes, Title 29, section 2242.

Unless otherwise ordered by the Superior Court upon appeal, the suspension remains in full force and effect until the Secretary of State has been provided with evidence indicating compliance with the requirements of this Act.

Sec. 16. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1993-94 1994-95

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Administration - Motor Vehicles

Positions	(3,0)	(3,0)
Personal Services	\$26,352	\$104,665
All Other	7,387	46,113
Capital Expenditures	26,000	

Provides funds for a Clerk IV position, a Clerk Typist III position, a Clerk Typist II position, a project Clerk Typist II position and general operating expenses to administer the suspension and restoration program. The Department of Environmental Protection shall reimburse the Highway Fund on an annual basis for all costs associated with this program.

**DEPARTMENT OF THE
SECRETARY OF STATE
TOTAL**

\$59,739 \$150,778

See title page for effective date.

CHAPTER 419

S.P. 369 - L.D. 1126

An Act to Provide Additional Funding for the Department of Inland Fisheries and Wildlife and the Atlantic Sea-Run Salmon Commission through Increased License Fees

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

Sec. 1. 12 MRSA §6255, sub-§3, as repealed and replaced by PL 1985, c. 703, §3, is amended to read:

3. License fees. The commission shall issue an Atlantic salmon license to fish for Atlantic salmon in inland and coastal waters of the State designated in subsection 2.

A. The fee for an Atlantic salmon license is \$10 for 1993 and \$15 for 1994 and every year thereafter for any resident.

B. The fee for an Atlantic salmon license for any nonresident is as follows:

(1) For any nonresident 16 years of age or older, \$30 for 1993 and \$40 for 1994 and every year thereafter;

(2) For a 3-day Atlantic salmon license for any nonresident 16 years of age or older, \$15. This license may not be exchanged for a season license; and

(3) For any nonresident under 16 years of age, \$5.

C. Members of Maine's Indian tribes and Maine residents under 16 years of age are exempt from any fee.

Sec. 2. 12 MRSA §7073, sub-§5, as amended by PL 1985, c. 304, §5, is further amended to read:

5. Duplicates. The commissioner's appointed agents shall issue a duplicate license or permit to any resident who has accidentally lost or destroyed any license or permit issued to him that person under this chapter upon payment of a fee of \$1 for 1993 and \$2 for 1994 and every year thereafter, all of which ~~shall~~ must be retained by the clerk or agent. The agent or clerk who issued the original license or permit shall issue duplicates to residents. The department shall issue duplicates to nonresidents who have lost or destroyed any license or permit upon payment of a fee of \$1 for 1993 and \$2 for 1994 and every year thereafter.

Sec. 3. 12 MRSA §7076, sub-§6, as amended by PL 1987, c. 134, is further amended to read:

6. Armed Forces domiciled in Maine. A combination fishing and hunting license ~~shall~~ must be issued upon payment of ~~\$11 in 1985, \$13 in 1986 and \$15 in 1987 and thereafter for 1993 and \$20 for 1994 and every year thereafter~~, plus the issuing fee, to a serviceman member of the Armed Forces of the United States on active duty in the Armed Forces of the United States who is permanently stationed outside of the State, ~~his~~ and to that person's spouse and children, provided if that he person can show proof that his that person's home of record, as recorded in his service records, is Maine. These persons shall That person must be issued all other licenses or permits at resident fees. The license ~~will be~~ is valid during the year of issue.

Sec. 4. 12 MRSA §7076, sub-§10, ¶A, as repealed and replaced by PL 1983, c. 807, Pt. P, §2, is repealed and the following enacted in its place:

A. The fees for this license are as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
<u>Camps with an enrollment of fewer than 50 campers</u>	<u>\$44</u>	<u>\$46</u>	<u>\$47</u>	<u>\$48</u>
<u>Camps with an enrollment of 50 to 75 campers</u>	<u>\$69</u>	<u>\$71</u>	<u>\$72</u>	<u>\$73</u>

<u>Camps with an enrollment of more than 75 campers</u>	<u>\$100</u>	<u>\$102</u>	<u>\$103</u>	<u>\$104</u>
---	--------------	--------------	--------------	--------------

Sec. 5. 12 MRSA §7101, sub-§5, as amended by PL 1987, c. 696, §5, is repealed and the following enacted in its place:

5. Schedule of fees. The schedule of fees is as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
<u>A. Resident junior hunting license (10 years of age or older and under 16)</u>	<u>\$3</u>	<u>\$5</u>	<u>\$5</u>	<u>\$5</u>
<u>B. Resident hunting license (16 years of age or older)</u>	<u>\$15</u>	<u>\$17</u>	<u>\$18</u>	<u>\$19</u>
<u>C. Resident small game hunting license (16 years of age or older) (Permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat)</u>	<u>\$8</u>	<u>\$10</u>	<u>\$11</u>	<u>\$12</u>
<u>D. Resident combination hunting and fishing license</u>	<u>\$28</u>	<u>\$32</u>	<u>\$34</u>	<u>\$36</u>
<u>E. Resident supersport license</u>	<u>\$38</u>	<u>\$42</u>	<u>\$44</u>	<u>\$46</u>
<u>F. Resident combination archery hunting and fishing license</u>	<u>\$28</u>	<u>\$32</u>	<u>\$34</u>	<u>\$36</u>
<u>G. Nonresident junior hunting license (10 years of age or older and under 16) (Permits hunting of all species, except deer and bear, with firearms)</u>	<u>\$23</u>	<u>\$25</u>	<u>\$25</u>	<u>\$25</u>
<u>H. Nonresident small game hunting license (Permits hunting of all legal species except deer, bear, turkey, moose, raccoon and bobcat)</u>	<u>\$47</u>	<u>\$51</u>	<u>\$53</u>	<u>\$55</u>
<u>I. Nonresident big game hunting license (Permits hunting of all species including deer and bear)</u>	<u>\$77</u>	<u>\$81</u>	<u>\$83</u>	<u>\$85</u>
<u>J. Nonresident combination hunting and fishing license</u>	<u>\$107</u>	<u>\$115</u>	<u>\$119</u>	<u>\$123</u>
<u>K. Alien small game hunting license (Permits hunting of all species except deer, bear, turkey, moose, raccoon and bobcat)</u>	<u>\$62</u>	<u>\$66</u>	<u>\$68</u>	<u>\$70</u>

L. Alien big game hunting license (Permits hunting of all species including deer and bear) \$117 \$121 \$123 \$125

M. Alien combination hunting and fishing license \$160 \$168 \$172 \$176

Sec. 6. 12 MRSA §7102, sub-§3, as repealed and replaced by PL 1983, c. 807, Pt. P, §4, is repealed and the following enacted in its place:

3. Schedule of fees. The schedule of fees is as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
A. Resident archery license	<u>\$15</u>	<u>\$17</u>	<u>\$18</u>	<u>\$19</u>
B. Resident combination archery hunting and fishing license	<u>\$28</u>	<u>\$32</u>	<u>\$34</u>	<u>\$36</u>
C. Nonresident archery license	<u>\$47</u>	<u>\$51</u>	<u>\$53</u>	<u>\$55</u>
D. Alien archery license	<u>\$62</u>	<u>\$66</u>	<u>\$68</u>	<u>\$70</u>

Sec. 7. 12 MRSA §7103-A, sub-§2, as enacted by PL 1991, c. 443, §12, is amended to read:

2. Issuance. The commissioner shall issue permits to eligible persons to engage in the practice of falconry at a fee of \$20 for 1993, \$22 for 1994, \$23 for 1995 and \$24 for 1996 and every year thereafter.

Sec. 8. 12 MRSA §7104, sub-§3, as amended by PL 1983, c. 807, Pt. P, §6, is repealed and the following enacted in its place:

3. Fees. The fees associated with operation of a commercial shooting area are as follows.

A. For the first year of operation, the fee for an initial license to operate a commercial shooting area is \$329 for 1993, \$331 for 1994, \$332 for 1995 and \$333 for 1996 and every year thereafter.

B. Following the first year of operation, the annual fee for a license to operate a commercial shooting area is \$129 for 1993, \$131 for 1994, \$132 for 1995 and \$133 for 1996 and every year thereafter, payable prior to July 1st of each successive year of operation.

Sec. 9. 12 MRSA §7105, sub-§2, as amended by PL 1983, c. 807, Pt. P, §7, is further amended to read:

2. Fee. The fee for a special commercial shooting area hunting license is \$13 for 1985, \$14 for 1986 and \$15 for 1987-1993, \$17 for 1994, \$18 for 1995 and \$19 for 1996 and every year thereafter.

Sec. 10. 12 MRSA §7107-A, sub-§3, as amended by PL 1987, c. 317, §7, is further amended to read:

3. Schedule of fees. The schedule of fees is as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
A. Resident 6-day muzzle-loading hunting license	<u>\$7</u>	<u>\$9</u>	<u>\$10</u>	<u>\$11</u>
B. Nonresident 6-day muzzle-loading hunting license	<u>\$25</u>	<u>\$29</u>	<u>\$31</u>	<u>\$33</u>
C. Alien 6-day muzzle-loading hunting license	<u>\$50</u>	<u>\$54</u>	<u>\$56</u>	<u>\$58</u>

Sec. 11. 12 MRSA §7110, sub-§3, as repealed and replaced by PL 1989, c. 878, Pt. A, §34, is amended to read:

3. Issuance; fee. The commissioner, through the commissioner's authorized agent, shall issue a bear hunting permit to eligible persons. The fee for each permit issued ~~shall be~~ is \$2 for 1993 and \$5 for 1994 and every year thereafter for residents and \$10 for 1993 and \$15 for 1994 and every year thereafter for nonresidents and aliens.

Sec. 12. 12 MRSA §7133, sub-§4, as amended by PL 1989, c. 493, §16, is repealed and the following enacted in its place:

4. Schedule of fees. The fees for trapping licenses are as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
A. Resident junior trapping (10 years of age or older and under 16)	<u>\$5</u>	<u>\$7</u>	<u>\$7</u>	<u>\$7</u>
B. Resident trapping (16 years of age or older)	<u>\$29</u>	<u>\$31</u>	<u>\$32</u>	<u>\$33</u>
C. Nonresident trapping	<u>\$304</u>	<u>\$306</u>	<u>\$307</u>	<u>\$308</u>

Sec. 13. 12 MRSA §7151, sub-§5, as amended by PL 1985, c. 575, §2 to 4, is repealed and the following enacted in its place:

5. Schedule of fees. The fees for fishing licenses are as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
A. Resident fishing license (16 years of age or older)	\$15	\$17	\$18	\$19
B. Resident combination hunting and fishing license	\$28	\$32	\$34	\$36
C. Resident combination archery hunting and fishing license	\$28	\$32	\$34	\$36
D. Junior nonresident fishing license (12 years of age or older and under 16)	\$5	\$7	\$7	\$7
E. Three-day fishing license (Resident or nonresident)	\$17	\$19	\$20	\$21
F. Nonresident 7-day fishing license (Valid for 7 days from date indicated on license)	\$26	\$30	\$32	\$34
G. Nonresident 15-day fishing license (Valid for 15 days from date indicated on license)	\$30	\$34	\$36	\$38
H. Nonresident season fishing license (16 years of age or older)	\$42	\$46	\$48	\$50
I. Alien season fishing license (16 years of age or older)	\$62	\$66	\$68	\$70
J. One-day fishing license (Resident or nonresident) (Valid for the date indicated on license)	\$5	\$7	\$8	\$9

Sec. 14. 12 MRSA §7153, sub-§2, as amended by PL 1983, c. 807, Pt. P, §12, is further amended to read:

2. Fee. The minimum fee for these permits shall be ~~\$36 for 1985, \$37 for 1986 and is \$38 for 1987~~ for 1993, \$40 for 1994, \$41 for 1995 and \$42 for 1996 and every year thereafter.

Sec. 15. 12 MRSA §7154, sub-§3, as amended by PL 1991, c. 443, §15, is further amended to read:

3. Fee. The fee for a permit to conduct a one-day bass tournament is \$20 for 1993, \$22 for 1994, \$23 for 1995 and \$24 for 1996 and every year thereafter.

Sec. 16. 12 MRSA §7155, sub-§4, as enacted by PL 1991, c. 443, §17, is amended to read:

4. Fee. The fee for a permit to conduct a fishing derby or fishing tournament is \$20 for 1993, \$22 for 1994, \$23 for 1995 and \$24 for 1996 and every year thereafter.

Sec. 17. 12 MRSA §7171, sub-§3, as repealed and replaced by PL 1985, c. 607, §§3 and 9, is amended to read:

3. Schedule of fees. The schedule of fees is as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996</u> <u>and</u> <u>after</u>
A. Live bait retailer's license	\$10	\$12	\$13	\$14
B. Baitfish wholesaler's license	\$20	\$22	\$23	\$24
C. Smelt wholesaler's license	\$65	\$67	\$68	\$69

Sec. 18. 12 MRSA §7201, sub-§2, as amended by PL 1983, c. 807, Pt. P, §15, is further amended to read:

2. Fee. The fee for a license to sell commercially grown or imported fish shall be ~~\$19 for 1985, \$20 for 1986 and is \$21 for 1987~~ 1993, \$23 for 1994, \$24 for 1995 and \$25 for 1996 and every year thereafter.

Sec. 19. 12 MRSA §7205, sub-§2, as amended by PL 1983, c. 807, Pt. P, §16, is repealed and the following enacted in its place:

2. Fee. The fee for a license to commercially cultivate or harvest fish in private ponds is \$21 for 1993, \$23 for 1994, \$24 for 1995 and \$25 for 1996 and every year thereafter.

Sec. 20. 12 MRSA §7231, sub-§3, as amended by PL 1983, c. 807, Pt. P, §17, is further amended to read:

3. Fee. The fee for a wildlife exhibit permit is ~~\$67 for 1985, \$68 for 1986 and \$69 for 1987~~ 1993, \$71 for 1994, \$72 for 1995 and \$73 for 1996 and every year thereafter.

Sec. 21. 12 MRSA §7311, sub-§3, as repealed and replaced by PL 1989, c. 913, Pt. A, §4, is amended to read:

3. Fee. The fee for a guide license is \$75 for 1993, \$77 for 1994, \$78 for 1995 and \$79 for 1996 and every year thereafter.

Sec. 22. 12 MRSA §7322, sub-§7, as enacted by PL 1987, c. 742, §7, is amended to read:

7. Fee. The initial qualifying fee for a trip leader permit is \$14 for 1993, \$16 for 1994, \$17 for 1995 and \$18 for 1996 and every year thereafter. The permit may be

renewed upon payment of \$9 for 1993, \$11 for 1994, \$12 for 1995 and \$13 for 1996 and every year thereafter if requirements of the department are met.

Sec. 23. 12 MRSA §7331, sub-§2, as amended by PL 1983, c. 807, Pt. P, §20, is further amended to read:

2. **Fee.** The fee for a special dog training area license is ~~\$19 for 1985, \$20 for 1986 and \$21 for 1987~~ 1993, \$23 for 1994, \$24 for 1995 and \$25 for 1996 and every year thereafter.

Sec. 24. 12 MRSA §7332, sub-§2, as amended by PL 1983, c. 807, Pt. P, §21, is further amended to read:

2. **Fee.** The fee for a license to hold field trials for sporting dogs is ~~\$19 for 1985, \$20 for 1986 and \$21 for 1987~~ 1993, \$23 for 1994, \$24 for 1995 and \$25 for 1996 and every year thereafter.

Sec. 25. 12 MRSA §7352, sub-§2, as amended by PL 1983, c. 807, Pt. P, §23, is repealed and the following enacted in its place:

2. **Fee.** The annual fees for hide dealer licenses are as follows:

	1993	1994	1995	1996 and after
A. Resident hide dealer	\$54	\$56	\$57	\$58
B. Nonresident hide dealer	\$104	\$106	\$107	\$108

Sec. 26. 12 MRSA §7366, sub-§4, as amended by PL 1989, c. 918, Pt. D, §5, is further amended to read:

4. **Fee.** The annual fee for a whitewater guide's license is \$25 for 1993, \$27 for 1994, \$28 for 1995 and \$29 for 1996 and every year thereafter. ~~All license fees are credited to the Whitewater Rafting Fund within the department and used in accordance with section 7074, subsection 3.~~

Sec. 27. 12 MRSA §7463-A, sub-§4, as amended by PL 1989, c. 493, §§37 and 76, is further amended to read:

4. **Hunting permits.** The commissioner may issue up to 1,000 moose hunting permits annually and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that the person possesses:

A. A valid Maine hunting license, if the person is a resident of the State; or

B. A valid Maine big game hunting license, if the person is a nonresident or alien.

The fee for a moose hunting permit is \$25 for 1993, \$27 for 1994, \$28 for 1995 and \$29 for 1996 and every year thereafter for residents and \$200 for 1993, \$202 for 1994, \$203 for 1995 and \$204 for 1996 and every year thereafter for nonresidents and aliens. While hunting moose, each nonresident or alien hunter, both permittee and subpermittee, ~~shall~~ must be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

See title page for effective date.

CHAPTER 420

H.P. 811 - L.D. 1097

An Act Repealing Advisory Boards on Transportation Matters

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

Sec. 1. 5 MRSA §12004-I, sub-§85, as amended by PL 1989, c. 503, Pt. A, §37, is repealed.

Sec. 2. 23 MRSA c. 410-A, as amended, is repealed.

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1993-94	1994-95
TRANSPORTATION, DEPARTMENT OF		
Highway and Bridge Improvement		
All Other	(\$29,000)	(\$29,000)
Provides for the deallocation of funds due to the repeal of the Maine Transportation Capital Improvement Planning Commission.		

See title page for effective date.

CHAPTER 421

H.P. 372 - L.D. 475

An Act Making Changes in the Financial Order Process

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