

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

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

Sec. 1. 17-A MRSA §1256, sub-§1, as amended by PL 1983, c. 408, §3, is further amended to read:

1. Other provisions of this section notwithstanding, when a person subject to an undischarged term of imprisonment is convicted of a violation of ~~sections 755 and 757, or of a violation of section 752-A, 755 or 757~~ or of any other crime against the person of a member of the staff of the institution in which the convicted person was imprisoned, or of an attempt to commit any of the crimes mentioned in this subsection, the sentence ~~shall run consecutively to~~ is not concurrent with the undischarged term terms of imprisonment. The court may order that the undischarged terms of imprisonment be tolled and service of the nonconcurrent sentence commence immediately and the court shall so order if any undischarged term of imprisonment is a split sentence. No portion of ~~this sentence~~ the nonconcurrent sentence may be suspended. All sentences that the convicted person receives as a result of the crimes mentioned in this subsection ~~shall must be consecutive to~~ nonconcurrent with all other sentences.

See title page for effective date.

CHAPTER 523

H.P. 1289 - L.D. 1737

An Act to Amend the Classification of Part of the Presumpscot River

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

Sec. 1. 38 MRSA §467, sub-§9, ¶A, as amended by PL 1989, c. 764, §9, is further amended to read:

A. Presumpscot River, main stem.

(1) From the outlet of Sebago Lake to its confluence with Dundee Pond - Class A.

(1-A) From the outlet of Dundee Pond to its confluence with the Pleasant River - Class A.

For the purposes of water quality certification of the hydropower project at the Dundee Dam under the Federal Water Pollution Control Act, Public Law 92-500, Section 401, as amended, and licensing modifications to this hydropower project under section 636 and any other licensing

proceeding affecting this project, the habitat characteristics and aquatic life criteria of Class A are deemed to be met in the waters immediately downstream and measurably affected by that project if the criteria of section 465, subsection 3, paragraphs A and C are met.

(2) ~~From the outlet of Dundee Pond its confluence with the Pleasant River to Sacarappa Falls - Class B.~~

(3) From Sacarappa Falls to tidewater - Class C.

See title page for effective date.

CHAPTER 524

H.P. 1335 - L.D. 1798

An Act to Clarify the Laws Relating to Permits to Carry Concealed Firearms

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

Whereas, the Legislature believes that it is important that these changes to the laws relating to permits to carry concealed firearms be effective immediately so as to give needed guidance to both the applicant and the issuing authority; 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. 25 MRSA §2002, sub-§§2 to 5, as enacted by PL 1985, c. 478, §2, are amended to read:

2. **Dependency-related drug.** "~~Dependency related~~ Dependency-related drug" has the same meaning as set forth in Title 22 § 5, section 7403 20003, subsection 7.

3. **Drug abuser.** "Drug abuser" has the same meaning as set forth in Title 22 § 5, section 7403 20003, subsection 9 10.

4. **Drug addict.** "Drug addict" has the same meaning as set forth in Title 22 § 5, section 7403 20003, subsection 11.

5. Drug-dependent person. "~~Drug-dependent~~ Drug-dependent person" has the same meaning as set forth in Title ~~22 5~~, section ~~7403 20003~~, subsection 12.

Sec. 2. 25 MRSA §2002, sub-§9, as enacted by PL 1985, c. 478, §2, is repealed and the following enacted in its place:

9. Issuing authority. "Issuing authority" means the following:

A. To a legal resident of a municipality:

(1) The mayor and municipal officers or councilors of a city, the municipal officers or councilors of a town or the assessors of a plantation or, if they so choose, their full-time chief of police as their designee; or

(2) The Chief of the State Police as the designee of the municipal officers under section 2002-A;

B. To a resident of an unorganized territory:

(1) The Chief of the State Police; and

C. To a nonresident:

(1) The Chief of the State Police.

Sec. 3. 25 MRSA §2002, sub-§12 is enacted to read:

12. Bodily injury. "Bodily injury" has the same meaning as set forth in Title 17-A, section 2, subsection 5.

Sec. 4. 25 MRSA §2002-A, as amended by PL 1993, c. 340, §1, is further amended to read:

§2002-A. Assignment of authority

The municipal officers of a municipality without a full-time chief of police may designate, if the Chief of the State Police agrees, the State Police as the issuing authority for that municipality. The designation must be made by written agreement with the Chief of the State Police. The agreement must include provisions for termination of the agreement. During the term of an agreement, the State Police shall perform all the functions of the issuing authority, including suspension and revocation of permits. The State Police are entitled to receive any fees authorized for performing the functions of an issuing authority. ~~The State Police are entitled to receive any fees authorized for performing the functions of the issuing authority.~~ The Chief of the State Police continues to serve as the issuing authority until the chief receives from the municipal officers written notice of cancellation or revocation of the ~~determination~~ designa-
tion.

Sec. 5. 25 MRSA §2003, sub-§1, as amended by PL 1993, c. 368, §§4 and 5, is further amended by amending the first paragraph to read:

1. Criteria for issuing permit. The issuing authority shall, upon written application, issue a permit to carry concealed firearms to ~~any legal resident of that municipality~~ an applicant over whom it has issuing authority and who has demonstrated good moral character and who meets the following requirements:

Sec. 6. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1993, c. 368, §5, is further amended by amending subparagraph (5), division (o) to read:

(o) To your knowledge, have you engaged within the past 5 years in reckless or negligent conduct that has been the subject of an investigation by a governmental entity?; and

Sec. 7. 25 MRSA §2003, sub-§1, ¶D, as amended by PL 1993, c. 368, §5, is further amended by enacting subparagraph (5), divisions (p) to (s) to read:

(p) Have you been convicted within the past 5 years of any Title 17-A, chapter 45 drug crime?

(q) Have you been adjudicated within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would have been a violation of Title 17-A, chapter 45?

(r) Have you been adjudged to have committed the civil violation of possession of a useable amount of marijuana, butyl nitrite or isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?

(s) Have you been adjudicated within the past 5 years as having committed the juvenile crime defined in Title 15, section 3103, subsection 1, paragraph B of possession of a useable amount of marijuana, as provided in Title 22, section 2383?; and

Sec. 8. 25 MRSA §2003, sub-§1, ¶E, as amended by PL 1993, c. 340, §2, is further amended by repealing subparagraph (4) and enacting the following in its place:

(4) Submits an application fee along with the written application to the proper issu-

ing authority pursuant to the following schedule:

(a) Resident of a municipality or unorganized territory, \$35 for an original application and \$20 for a renewal, except that a person who paid \$60 for a concealed firearms permit or renewal during 1991 or 1992 is entitled to a credit toward renewal fees in an amount equal to \$30 for a person who paid \$60 for an original application and \$45 for a person who paid \$60 for a permit renewal. The credit is valid until fully utilized; and

(b) Nonresident, \$60 for an original or renewal application, except that a person who paid \$80 for a concealed firearms permit during 1991 or 1992 is entitled to a \$20 credit toward permit renewal fees. The credit is valid until fully utilized; and

Sec. 9. 25 MRSA §2003, sub-§2, as amended by PL 1993, c. 368, §§6 and 7, is further amended to read:

2. Complete application; certification by applicant. The requirements set out in subsection 1, constitute a complete application. By affixing ~~his~~ the applicant's signature to the application, the applicant certifies the following:

A. That the statements ~~he~~ the applicant makes in the application and any documents ~~he~~ the applicant makes a part of the application; are true and correct;

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division (c-1) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393, subsection 1-A;

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (c) to (k) is cause for refusal;

B-1. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (b), (b-1), (c-1), (l), (m), (n) and (o) to (s) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and

C. That ~~he~~ the applicant understands any false statements made in the application or in any

document made a part of the application may result in prosecution as provided in section 2004.

Sec. 10. 25 MRSA §2003, sub-§6, as amended by PL 1993, c. 340, §3, is repealed.

Sec. 11. 25 MRSA §2003, sub-§7, as amended by PL 1991, c. 865, §2, is repealed.

Sec. 12. 25 MRSA §2003, sub-§§15 and 16 are enacted to read:

15. Duty of issuing authority; application fees. The application fees submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) are subject to the following.

A. If the issuing authority is other than the Chief of the State Police, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State.

B. If the Chief of the State Police is the issuing authority as the designee of a municipality under section 2002-A, \$25 of the fee for an original application and \$15 of the fee for a renewal must be paid over to the Treasurer of State.

C. If the Chief of the State Police is the issuing authority because the applicant is either a resident of an unorganized territory or a nonresident, the application fee must be paid over to the Treasurer of State. The fee must be applied to the expenses of administration incurred by the State Police.

16. Application fee; use. The application fee submitted by the applicant as required by subsection 1, paragraph E, subparagraph (4) covers the cost of processing the application by the issuing authority and the cost of the permit to carry concealed firearms issued by the issuing authority.

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

Effective March 14, 1994.

CHAPTER 525

S.P. 659 - L.D. 1827

An Act Concerning Authorization to Grow Certain Marine Species in Aquaculture

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