

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

D. Use any live animal as bait in any racing contest or in the training of animals for racing contests; ~~or~~

E. Tie, tether or restrain any animal in a manner that is inhumane or detrimental to its welfare; ~~or~~

**Sec. 2. 7 MRSA §3972, sub-§1, ¶F** is enacted to read:

F. Intentionally cause an equine to fall or lose its balance by any means whatsoever. For the purposes of this paragraph, the term "equine" means, but is not limited to, a horse, mare, pony, ass, donkey, burro, mule or hinny.

See title page for effective date.

**CHAPTER 145**

**S.P. 332 - L.D. 913**

**An Act to Repeal the Sunset Provision Regarding Drug Recognition Technicians and Amend the Definition of Drugs in the Operating-under-the-influence Statutes**

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

**Whereas,** the current law that gives drug recognition technicians their authority to conduct drug-impairment assessments expires on June 1, 1995; and

**Whereas,** the drug recognition technician program results in the prosecution of persons who operate motor vehicles while under the influence of drugs other than alcohol; and

**Whereas,** failure to prosecute this type of offender may result in a greater number of operating-under-the-influence motor vehicle accidents that cause death and serious personal injury; and

**Whereas,** highway safety will be significantly diminished if the law is allowed to expire; 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. 29-A MRSA §2401, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**4. Drugs.** "Drugs" means scheduled drugs as defined under Title 17-A, section 1101. The term "drugs" includes any natural or artificial chemical substance that, when taken into the human body, can impair the ability of the person to safely operate a motor vehicle.

**Sec. 2. 29-A MRSA §2525, sub-§4,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

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

Effective May 23, 1995.

**CHAPTER 146**

**H.P. 708 - L.D. 965**

**An Act to Protect Maine's Maritime Heritage**

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

**Sec. 1. 27 MRSA §373-A, sub-§3,** as enacted by PL 1981, c. 55, §5, is amended to read:

**3. Excavation.** "Excavation" means any turning over, removal or disturbance of the soil, artifact in the soil or ground matrix or recovery or disturbance of artifacts from beneath that are fully or partially submerged in the water and tidal sites. "Excavation" ~~shall include~~ includes, but is not limited to, activities such as purposeful looting, material procurement ~~or~~ construction activities or vandalism. In the case of private property the term "excavation" on a site ~~shall~~ does not include activities associated with agriculture or forestry unless specifically provided for in the permit or the preservation agreement as defined in Title 33, section 1551, ~~sub-§ subsection 2.~~

**Sec. 2. 27 MRSA §378,** as enacted by PL 1981, c. 568, §4, is amended to read:

**§378. Emergency site designation**

In the case of an area containing archaeological materials or artifacts ~~on private property which~~ that is directly threatened with unauthorized excavation, the Director of the Maine Historic Preservation Commission, with the written permission of the landowner, may designate ~~such an~~ the area as a site ~~which shall be~~ that is subject to this chapter for a period not to exceed