

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 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

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

one year. All sites given emergency designation under this section ~~shall~~ must be posted against unauthorized excavation. Notice of the designation ~~shall~~ must be filed with the registrar of deeds in the county in which the site is located.

See title page for effective date.

CHAPTER 147

S.P. 422 - L.D. 1145

An Act to Require Unanimous Approval by the Hancock County Commissioners to Change the Recommendations of the Budget Committee

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

Sec. 1. 30-A MRSA §765, as amended by PL 1993, c. 227, §2, is further amended to read:

§765. Budget estimate; submission to advisory committee

The Hancock County commissioners shall submit a budget estimate to the budget advisory committee no later than October 1st for the coming year. The budget advisory committee shall review the budget estimate and make recommendations to the commissioners before November 15th. In order to deviate from any recommendation made by a recorded 2/3 majority vote of the full membership of the budget advisory committee, the county commissioners must unanimously approve that change. The county commissioners shall act on the budget no later than December 15th of the budget year.

See title page for effective date.

CHAPTER 148

H.P. 988 - L.D. 1396

An Act to Abolish the Local Government Records Board and to Assign Its Functions to the Archives Advisory Board

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

Sec. 1. 3 MRSA §927, sub-§3, ¶B, as repealed and replaced by PL 1993, c. 600, Pt. A, §1, is amended to read:

B. Independent agencies:

- (1) Maine State Pilotage Commission;
- (2) State Board of Registration for Professional Engineers;
- (3) Board of Licensure for Professional Land Surveyors;
- ~~(4) Local Government Records Board;~~
- (5) Maine High-Risk Insurance Organization. This subparagraph is repealed January 1, 1997;
- (6) Driver Education and Evaluation Programs; and
- (7) State Soil and Water Conservation Commission.

Sec. 2. 5 MRSA §92, as enacted by PL 1973, c. 625, §16, is amended to read:

§92. Declaration of policy

The Legislature declares that it is the policy of the State to make the operations of State Government and local government more efficient, more effective and more economical through current records management; and, to the end that the people may derive maximum benefit from a knowledge of state affairs, preserve its noncurrent records of permanent value for study and research.

Sec. 3. 5 MRSA §92-A, sub-§2-A is enacted to read:

2-A. Local government. "Local government" means a municipality, school district or other special-purpose district or multi-purpose district.

Sec. 4. 5 MRSA §92-A, sub-§§4 and 5, as enacted by PL 1991, c. 837, Pt. A, §8, are amended to read:

4. State agency or agency. "State agency" or "agency" means any unit of State Government or local government, including any state board or commission, except the Legislature and its committees and subcommittees, the Judicial Department, the University of Maine System, the Maine Technical College System and the Maine Maritime Academy.

5. Record. "~~State record~~" "Record" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of the State and has been received or prepared for use in connection with the transaction of public or governmental business or contains informa-