

# 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**

B. The candidate applies to the Secretary of State for a criminal background investigation to confirm that the candidate has no felony convictions; and

C. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate has acquired the minimum college credits in required courses, training hours and years of experience, or combination thereof, to qualify for an executive certificate under academy standards.

3. Exception. Any person who is serving in the office of sheriff on the effective date of this section is deemed to meet the minimum qualifications of subsection 2.

See title page for effective date.

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**CHAPTER 157**

**S.P. 363 - L.D. 989**

**An Act to Further Restrict the Illegal Harvest of Cultivated Oysters**

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

**Whereas,** previous acts of the Legislature sought to prevent the poaching of aquaculture products; and

**Whereas,** these acts have imposed too high a standard for conviction; and

**Whereas,** this standard has worked to prevent the successful prosecution of poachers of aquaculture products and has resulted in the loss of property and income; and

**Whereas,** this loss is an ongoing problem that requires immediate action; 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. 12 MRSA §6073, sub-§3,** as enacted by PL 1991, c. 284, is amended to read:

**3. Penalty.** Any person who violates subsection 2-A or who knowingly and willfully violates ~~this~~

~~section~~ subsection 2 is guilty of a Class D crime, except that, notwithstanding Title 17-A, sections 4-A and 1301, the court shall impose a fine of not less than \$1,000 and restitution may be ordered made to the owner of the lease in an amount set by the court.

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

Effective May 30, 1995.

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**CHAPTER 158**

**H.P. 530 - L.D. 726**

**An Act to Allow Certain Employees of the Maine State Liquor and Lottery Commission and Their Families to Purchase Lottery Tickets**

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

**Sec. 1. 8 MRSA §381,** as enacted by PL 1987, c. 505, §2, is repealed and the following enacted in its place:

**§381. Persons prohibited from purchasing tickets or shares**

A ticket or share may not be purchased by and a prize may not be paid to any of the following persons:

**1. Commission officers.** An officer of the commission;

**2. Senior supervisory personnel.** Senior supervisory employees of the commission, as determined by the commission officers; and

**3. Household member.** Any spouse, child, brother, sister, parent or person residing as a member of the same household in the principal place of abode of any of the persons identified in subsections 1 and 2.

See title page for effective date.

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**CHAPTER 159**

**S.P. 94 - L.D. 234**

**An Act to Clarify the Liquor Licensing Laws for Certain Establishments**

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