

# 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**

or remedy the condition and the condition was not caused by the tenant or another person acting under the tenant's control. Upon finding that the dwelling unit is not fit for human habitation, the court shall permit the tenant either to terminate the rental agreement without prejudice or to reaffirm the rental agreement, with the court assessing against the tenant an amount equal to the reduced fair rental value of the property for the period during which rent is owed. The reduced amount of rent thus owed ~~shall~~ must be paid on a pro rata basis, unless the parties agree otherwise, and payments ~~shall~~ become due at the same intervals as rent for the current rental period. The landlord may not charge the tenant for the full rental value of the property until such time as it is fit for human habitation.

**Sec. 2. 14 MRSA §6005, first ¶**, as amended by PL 1979, c. 327, §1, is further amended to read:

When the defendant is defaulted or fails to show sufficient cause, judgment ~~shall~~ must be rendered against ~~him~~ the defendant by the District Court for possession of the premises and a writ of possession be issued to remove ~~him~~ the defendant, which may be served by a constable. A writ of possession may not issue in any case in which the ground for termination of the tenancy was rent arrearage and the defendant paid the amount necessary to reinstate the tenancy as provided by section 6002.

See title page for effective date.

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## CHAPTER 209

S.P. 359 - L.D. 985

### An Act to Amend the Law Dealing with Agreements for Recovery of Personal Property

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

**Sec. 1. 33 MRSA §1869, sub-§5** is enacted to read:

**5. Unfair trade practice.** A person who makes a claim for compensation in violation of this section commits an unfair trade practice in violation of Title 5, section 207.

See title page for effective date.

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## CHAPTER 210

H.P. 795 - L.D. 1112

### An Act to Authorize a Multi-day Bass Tournament Permit

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

**Sec. 1. 12 MRSA §7154**, as amended by PL 1993, c. 419, §15, is further amended to read:

#### §7154. Bass tournament permit

**1. Application.** Any bass club seeking approval to conduct a ~~one-day~~ bass tournament pursuant to this section may make application to the commissioner in a manner and form to be designated by the commissioner. The application ~~shall~~ must include the club's tournament rules, any amendments or changes to the rules and a schedule of the dates, places and times of the proposed tournament.

**2. Issuance; notification to municipality.** The commissioner, following a determination that the club has complied with all rules ~~promulgated~~ adopted pursuant to this section, may issue a permit to the applicant club authorizing the club to conduct the tournament during open season for black bass in waters free of ice. At least 10 days prior to issuing the permit, the commissioner shall notify any affected municipality of the receipt of an application for a multi-day bass tournament.

**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.

The fee for a permit to conduct a bass tournament lasting more than one day is \$24 per day.

**4. Restrictions.** The commissioner shall ~~promulgate~~ adopt all rules necessary to carry out the purposes of this section, including, but not limited to:

A. Requiring that precautions be taken so that, if possible, all fish caught may be retained alive and, following the close of the tournament, be released into the body from which they were taken; ~~and~~

B. Fixing the maximum total value of prizes ~~which~~ that may be awarded at each tournament; and

C. Limiting the length of a tournament to 3 days. A tournament lasting more than one day must be a regional or multistate tournament sanctioned by the applicant bass club.

**Sec. 2. 12 MRSA §7155, sub-§1**, as enacted by PL 1985, c. 234, §2, is amended to read:

**1. Application.** ~~Persons~~ A person wishing at any time to conduct any fishing derby or fishing tournament shall first make application for and obtain a permit from the commissioner. Bass club-sponsored; ~~one-day~~ bass tournaments in waters free of ice ~~shall~~ fall under the provisions of section 7154. The application for a permit ~~shall~~ must include rules; requested dates, places and times; and the prize structure.

See title page for effective date.

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**CHAPTER 211**

**H.P. 938 - L.D. 1327**

**An Act to Expand Eligibility for the  
Maine Veterans' Homes**

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

**Sec. 1. 37-B MRSA §607**, as amended by PL 1983, c. 594, §32, is further amended to read:

**§607. Admission**

Veterans desiring admission to the home ~~shall~~ must apply on forms prescribed by the administrator. Admission ~~shall~~ may be granted by the administrator only to eligible veterans who were residents of Maine at the time of their entry into the United States Armed Forces or who are residents of Maine at the time of application, and to the spouses, widows or widowers of eligible veterans, provided that suitable facilities are available. Admission ~~shall~~ must be granted when provisions of the rules are met, when there is a vacancy and in order of application, unless otherwise provided in the rules. For the purposes of this section, "eligible veteran" includes a person who served on active duty in the United States Armed Forces at any time during the period from December 22, 1961 to August 5, 1964.

See title page for effective date.

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**CHAPTER 212**

**S.P. 408 - L.D. 1096**

**An Act to Amend the Law Governing  
Municipal Zoning with Respect to  
Community Living Arrangements**

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

**Sec. 1. 30-A MRSA §4353, sub-§4-A**, as amended by PL 1991, c. 659, §2, is further amended to read:

**4-A. Disability variance.** The board may grant a variance to ~~a property~~ an owner of a dwelling for the purpose of making that ~~property~~ dwelling accessible to a person with a disability who ~~is living on the property~~ resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the ~~property~~ dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives ~~on~~ in the ~~property~~ dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, section 4553 and the term "structures necessary for access to or egress from the ~~property~~ dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

See title page for effective date.

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**CHAPTER 213**

**H.P. 855 - L.D. 1186**

**An Act to Modify and Update  
Certain Laws Pertaining to the  
Importation and Possession of Wild  
Turkeys**

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

**Sec. 1. 12 MRSA §7231, sub-§1, ¶C** is enacted to read:

C. A permit issued pursuant to this section does not authorize the permittee to import any species of wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross or the eggs of these species.

**Sec. 2. 12 MRSA §7235-A, sub-§3, ¶¶A and C**, as enacted by PL 1993, c. 438, §11, are amended to read:

**A.** A ringneck pheasant, ~~wild turkey~~ or bob-white quail, whether live or dressed, ~~which~~ that is possessed by virtue of this permit, must be identified with a metallic leg band before being removed from the premises of the permittee. This metallic leg band, supplied by the permittee, must remain attached to the bird until that bird is finally prepared for consumption.