

# 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**

**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.

C. A permit issued pursuant to this section does not authorize the permittee to possess, propagate or sell deer, bear, moose, wild turkey, hybrid wild turkey or wild turkey-domestic turkey cross.

**Sec. 3. 12 MRSA §7235-A, sub-§9** is enacted to read:

**9. Exceptions.** Notwithstanding subsection 3, paragraph C, a person possessing wild turkeys, hybrid wild turkeys or wild turkey-domestic turkey crosses acquired prior to January 1, 1995 may continue to possess those birds if that person applies for and receives a special permit issued by the commissioner and if that person completes an annual report on forms provided by the commissioner.

**Sec. 4. 12 MRSA §7237, sub-§3** is enacted to read:

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

**Sec. 5. 12 MRSA §7237-A, sub-§1** is enacted to read:

**1. Restrictions.** Only the commissioner or agents of the commissioner may sell, give away or release into the wild any live wild turkey, hybrid wild turkey, wild turkey-domestic turkey cross or fertile egg of these species.

See title page for effective date.

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## CHAPTER 214

H.P. 554 - L.D. 755

### An Act to Add the Prohibition of False Official Statements to the Maine Code of Military Justice

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

**Sec. 1. 37-B MRSA §454** is enacted to read:

**§454. False official statements**

Any person subject to this Code who, with intent to deceive, signs any false record, return, regulation, order or other official document, knowing it is false, or makes any other false official statement, knowing it is false, must be punished as a court-martial may direct.

See title page for effective date.

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## CHAPTER 215

S.P. 454 - L.D. 1250

### An Act to Authorize Certain Employees of the Department of Corrections to Use Deadly Force

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

**Sec. 1. 17-A MRSA §2, sub-§5-B** is enacted to read:

**5-B. Corrections supervisor.** "Corrections supervisor" means any person who:

A. Is an employee of the Department of Corrections;

B. Supervises corrections officers; and

C. Is trained, qualified and authorized by the Commissioner of Corrections to use deadly force.

**Sec. 2. 17-A MRSA §107, sub-§5,** as amended by PL 1989, c. 18, §2, is further amended to read:

**5.** Except where otherwise expressly provided, a corrections officer, corrections supervisor or law enforcement officer in a facility where persons are confined, pursuant to an order of a court or as a result of an arrest, is justified in using deadly force against such persons under the circumstances described in subsection 2. The officer or another individual responsible for the custody, care or treatment of those persons is justified in using a reasonable degree of nondeadly force when and to the extent the officer or the individual reasonably believes it necessary to prevent any escape from custody or to enforce the rules of the facility.

**Sec. 3. 17-A MRSA §107, sub-§5-A,** as enacted by PL 1989, c. 18, §3, is amended to read:

**5-A.** A corrections officer, corrections supervisor or law enforcement officer is justified in using deadly force against a person confined in the Maine State Prison or the Maine Correctional Institution - Warren when the officer or supervisor reasonably believes that deadly force is necessary to prevent an escape from custody. The officer or supervisor shall make reasonable efforts to advise the person that if the attempt to escape does not stop immediately, deadly force will be used. This subsection does not authorize any corrections officer, corrections supervisor or law