

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

J.S. McCarthy Company
Augusta, Maine
1995

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.

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.

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

enforcement officer who is not employed by a state agency to use deadly force.

See title page for effective date.

CHAPTER 216

H.P. 846 - L.D. 1177

An Act to Enable the Department of Corrections to Share Information with Canadian Criminal Justice Agencies

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

Sec. 1. 16 MRSA §611, sub-§4, as amended by PL 1993, c. 719, §5 and affected by §12, is further amended to read:

4. Criminal justice agency. "Criminal justice agency" means a federal, state, district, county or local government agency or any subunit thereof that performs the administration of criminal justice under a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. Courts and the Department of the Attorney General are considered criminal justice agencies. "Criminal justice agency" also includes any equivalent agency at any level of Canadian government.

See title page for effective date.

CHAPTER 217

S.P. 468 - L.D. 1264

An Act Regarding the Schedule of the Distribution of Funds from the Maine Environmental Trust Fund

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

Whereas, current law provides that funds from the Maine Environmental Trust Fund are distributed annually; and

Whereas, programs funded from the Maine Environmental Trust Fund have a need for more frequent distribution of funds in order to be adequately sustained; and

Whereas, funds from the Maine Environmental Trust Fund were distributed in August 1994 and

another distribution is required by the end of the current fiscal year's 3rd quarter; 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 §7759, sub-§3, as amended by PL 1993, c. 567, §1 and c. 683, Pt. B, §2 and affected by §5 and amended by PL 1995, c. 65, Pt. A, §28 and affected by Pt. C, §15, is repealed and the following enacted in its place:

3. Distribution from fund. Money distributed from the fund may be used for marketing the plates and for the production and marketing of goods using the environmental plate design. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title 29-A, section 455, the Treasurer of State shall, at the end of each quarter in the fiscal year, distribute the balance in the fund as follows:

A. Sixty percent of the balance must be deposited in the Maine State Parks Fund established in section 610; and

B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

This subsection is repealed March 31, 1996.

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

Effective June 9, 1995.

CHAPTER 218

H.P. 929 - L.D. 1310

An Act Concerning Inspection at Sea

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

Sec. 1. 12 MRSA §6351, as enacted by PL 1977, c. 661, §5, is amended to read: