

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

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Augusta, Maine
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CHAPTER 243

H.P. 884 - L.D. 1237

An Act to Ensure Public Review and Legislative Oversight of Proposals Regarding the Introduction or Reintroduction of Threatened or Endangered Species

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

Sec. 1. 12 MRSA §7754, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Conservation of nongame and endangered species. The commissioner may establish such programs as are necessary to bring any endangered or threatened species to the point where it is no longer endangered or threatened, including:

- A. Acquisition of land or aquatic habitat or interests ~~therein~~ in land or aquatic habitat;
- B. Propagation;
- C. Live trapping;
- D. Transplantation. Prior to the transplantation, introduction or reintroduction of an endangered or threatened species in the State, the commissioner shall, in conjunction with the Atlantic Sea Run Salmon Commission, when appropriate, develop a recovery plan for that species, conduct a public hearing on that recovery plan pursuant to Title 5, Part 18 and submit that plan to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife matters. The introduction or reintroduction of that species must be conducted in accordance with the recovery plan developed under this paragraph and may not begin sooner than 90 days after all conditions of this paragraph have been met; and
- E. In the extraordinary case where population pressures within a given group ecosystem ~~cannot~~ can not be otherwise relieved, regulated taking.

See title page for effective date.

CHAPTER 244

H.P. 966 - L.D. 1375

An Act to Repeal the Law Regarding Access to Property via Abandoned Roads

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

Sec. 1. 14 MRSA §6663, as enacted by PL 1993, c. 677, §1, is repealed.

See title page for effective date.

CHAPTER 245

S.P. 390 - L.D. 1067

An Act to Require That a Vacancy in a County Office Be Filled by an Appointee from the Same Political Party

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

Sec. 1. 4 MRSA §301, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§301. Terms; vacancies; salary

Judges of probate are elected or appointed as provided in the Constitution of Maine. Only attorneys at law admitted to the general practice of law in this State and resident ~~therein~~ in this State may be elected or appointed as judges of probate. Their election is effected and determined as is provided respecting county commissioners; and they enter upon the discharge of their duties on the first day of January following their election; but, when appointed to fill vacancies, their terms commence on their appointment. Vacancies must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a judge of probate who was nominated by primary election before the general election, the judge of probate appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the judge of probate whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made.

Judges of probate in the several counties ~~shall~~ are entitled to receive annual salaries as set forth in Title 30-A, section 2.

The fees to which judges of probate are entitled by law ~~shall~~ must be taxed and collected and paid over by the registers of probate to the county treasurers by the 15th day of every month following the month in which they were collected for the use of their counties with the exception of the fees provided in section 304, which ~~shall~~ must be retained by the judge who collects

~~the same~~ those fees in addition to ~~his~~ the judge's salary.

Sec. 2. 18-A MRSA §1-501, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§1-501. Election; bond; vacancies; salaries; copies

Registers of probate are elected or appointed as provided in the Constitution of Maine. Their election is effected and determined as is provided respecting county commissioners by Title 30-A, chapter 1, subchapter II, and they enter upon the discharge of their duties on the first day of January following their election; but the term of those appointed to fill vacancies commences immediately. All registers, before acting, shall give bond to the treasurer of their county with sufficient sureties in the sum of \$2,500, except that this sum ~~shall~~ must be \$10,000 for Cumberland County. Every register, having executed such bond, shall file it in the office of the clerk of the county commissioners of ~~his~~ that register's county, to be presented to them at their next meeting for approval. After the bond has been so approved, the clerk shall record it and certify the fact thereon, and retaining a copy thereof, deliver the original to the register, who shall deliver it to the treasurer of the county within 10 days after its approval, to be filed in ~~his~~ the treasurer's office. Vacancies must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a register of probate who was nominated by primary election before the general election, the register of probate appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the register of probate whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made.

Registers of probate in the several counties ~~shall~~ are entitled to receive annual salaries as set forth in Title 30-A, section 2.

The salaries of the registers of probate ~~shall~~ must be in full compensation for the performance of all duties required of registers of probate. They may make copies of wills, accounts, inventories, petitions and decrees and furnish the same to persons calling for them and may charge a reasonable fee for such service, which ~~shall be deemed~~ is considered a fee for the use of the county. Exemplified copies of the record of the probate of wills and the granting of administrations, guardianships and conservatorships, copies of petitions and orders of notice thereon for personal service, appeal copies and the statutory fees for abstracts and copies of the waiver of wills and other copies required to be recorded in the registry of deeds

~~shall be deemed to be~~ are considered official fees for the use of the county.

~~Nothing in this~~ This section may not be construed to change or repeal any provisions of law requiring the furnishing of certain copies without charge.

Sec. 3. 30-A MRSA §63, last ¶, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

In the case of a vacancy in the term of a commissioner who was nominated by primary election before the general election, the commissioner appointed by the Governor must be enrolled in the same political party as the commissioner whose term ~~was~~ is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county committee of the political party from which the appointment is to be made.

Sec. 4. 30-A MRSA §151, sub-§3, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Vacancy. If a person ~~so~~ chosen treasurer as provided in subsection 1 declines to accept or a vacancy occurs, the Governor may appoint a suitable resident of the county to serve as treasurer. When that person has accepted the office, provided a bond and been sworn, that person ~~shall be~~ is treasurer until the first day of January following the next biennial election, at which election a treasurer ~~shall~~ must be chosen for the remainder of the term, if any; but, in any event, that person ~~shall hold~~ holds office until another is chosen and qualified.

A. In the case of a vacancy in the term of a treasurer who was nominated by primary election before the general election, the treasurer appointed by the Governor must be enrolled in the same political party as the treasurer whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made.

Sec. 5. 30-A MRSA §252, sub-§2, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. In the case of a vacancy in the term of a district attorney who was nominated by primary election before the general election, the district attorney appointed by the Governor must be enrolled in the same political party as the district attorney whose term ~~was~~ is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county

committee or committees of the political party from which the appointment is to be made.

Sec. 6. 30-A MRSA §371, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§371. Election or appointment; vacancies

Sheriffs ~~shall~~ must be elected or appointed and shall hold their offices according to the Constitution of Maine. Their election ~~shall~~ must be conducted and determined as is provided for county commissioners. They shall take office on the first day of January following their election. Vacancies must be filled as provided in the Constitution of Maine. In the case of a vacancy in the term of a sheriff who was nominated by primary election before the general election, the sheriff appointed by the Governor to fill the vacancy until a successor is chosen at election must be enrolled in the same political party as the sheriff whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted to the Governor by the county committee of the political party from which the appointment is to be made.

Sec. 7. 33 MRSA §601, as amended by PL 1989, c. 502, Pt. B, §40, is further amended by adding at the end a new paragraph to read:

In the case of a vacancy in the term of a register of deeds who was nominated by primary election before the general election, the register of deeds appointed by the Governor must be enrolled in the same political party as the register of deeds whose term is vacant. In making the appointment, the Governor shall choose from any recommendations submitted by the county committee of the political party from which the appointment is to be made.

See title page for effective date.

CHAPTER 246

H.P. 974 - L.D. 1383

An Act to Establish Periodic Adjustments in the Mileage Reimbursements

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

Sec. 1. 5 MRSA §8002, sub-§2, as amended by PL 1989, c. 700, Pt. A, §19, is further amended to read:

2. Agency. "Agency" means any body of State Government authorized by law to adopt rules, to issue licenses or to take final action in adjudicatory

proceedings, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized; but the term ~~shall~~ does not include the Legislature, Governor, courts, University of Maine System, Maine Maritime Academy, technical colleges, the Commissioner of Education for schools of the unorganized territory, school administrative units, community action agencies as defined in Title 22, section 5321, special purpose districts or municipalities, counties or other political subdivisions of the State.

See title page for effective date.

CHAPTER 247

H.P. 679 - L.D. 930

An Act to Amend the Motor Vehicle Laws

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

Sec. 1. 29-A MRSA §351, sub-§3, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

3. Temporary permit to tow unregistered vehicle. A law enforcement officer, or an employee of the bureau designated by the Secretary of State ~~or a certified reserve officer while on duty, when necessary and not detrimental to public safety,~~ may issue a permit in writing to allow:

A. An unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar; or

~~B. The operation of an unregistered motor vehicle only to the owner's residence or to an office of the bureau for the sole purpose of renewing the registration by the same owner; or~~

C. An unregistered trailer or semitrailer with a gross weight of 3,000 pounds or less to be towed, for one trip only, between the points of origin and destination.

~~A permit may be issued under paragraphs A and B only when the previous registration on the vehicle has expired within 30 days. A permit issued under this subsection is valid for no more than 3 days, including the date of issuance.~~

Sec. 2. 29-A MRSA §351, sub-§3-A is enacted to read:

3-A. Permit to operate unregistered vehicle. Upon stopping a vehicle with a registration that has