

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

5. Provides information. Provides written lead-based paint hazard information to current and prospective tenants and to current and prospective owners or managers of child-care or preschool facilities, including but not limited to information on the importance of promptly reporting the presence of deteriorated paint to the owner or to the owner's agent. The notice must include the name, address and telephone number of the owner or the owner's agent.

See title page for effective date.

CHAPTER 454

H.P. 1093 - L.D. 1538

An Act to Strengthen the Motor Vehicle Laws Pertaining to Registration of Motor Vehicles

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

Sec. 1. 29-A MRSA §101, sub-§62, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

62. Resident. "Resident" means a person who has declared or established residency in this State or has been domiciled in this State for a period of at least 30 days, except for persons in compliance with section 109, subsection 1.

A nonresident who has a place of business in this State Except for a person in compliance with section 109, subsection 1, a person is deemed to be a resident:

A. For all vehicles owned by that person that are garaged or maintained in this State; or

B. If engaged in the business of renting you-drive or you-haul vehicles for an apportioned share of all vehicles based on the ratio of the mileage of vehicles operated in this State to the total mileage of vehicles operated both within and without the State.

Sec. 2. 29-A MRSA §351, sub-§1-A is enacted to read:

1-A. Residents required to register. An owner establishing residency in the State shall apply for a registration within 30 days of becoming a resident.

Sec. 3. 29-A MRSA §514, first ¶, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

A person required to register a vehicle in this State who instead registers the vehicle in another state or province or who fails to register a vehicle in this

State within 30 days of establishing residency is guilty of evasion of registration fees and excise taxes. Violation of this section is a traffic infraction punishable by a fine of not less than \$500 nor more than \$1,000.

See title page for effective date.

CHAPTER 455

S.P. 562 - L.D. 1530

An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife

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

Whereas, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of the State; 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 §7035, sub-§11-A, as enacted by PL 1989, c. 177, is repealed.

Sec. 2. 12 MRSA §7071, sub-§8, as enacted by PL 1985, c. 90, is repealed and the following enacted in its place:

8. Trespass reminder. The following notice must be printed on each hunting and fishing license: This license does not authorize you to enter private property without permission.

Sec. 3. 12 MRSA §7074, sub-§6 is enacted to read:

6. Rules. Notwithstanding any other provision of this section, the commissioner may adopt rules as necessary to satisfy the provisions of the federal

migratory bird harvest information program. These rules may include a requirement that agents appointed to sell hunting licenses submit license sales information on a weekly basis. The commissioner is responsible for all costs associated with any additional reporting requirements imposed on agents appointed to sell hunting licenses, including mailing costs.

Sec. 4. 12 MRSA §7101, sub-§3, as amended by PL 1983, c. 440, §7, is repealed.

Sec. 5. 12 MRSA §7101, sub-§6, as repealed and replaced by PL 1979, c. 543, §8, is repealed.

Sec. 6. 12 MRSA §7102, sub-§3, as repealed by PL 1993, c. 24, §2 and affected by §7 and as repealed and replaced by c. 419, §6, is repealed.

Sec. 7. 12 MRSA §7102-A, sub-§4, as enacted by PL 1993, c. 24, §3 and affected by §7, is repealed and the following enacted in its place:

4. Schedule of fees. The schedule of fees is as follows:

	<u>1993</u>	<u>1994</u>	<u>1995</u>	<u>1996 and after</u>
<u>A. Resident archery license</u>	<u>\$15</u>	<u>\$17</u>	<u>\$18</u>	<u>\$19</u>
<u>B. Resident combination archery hunting and fishing license</u>	<u>\$28</u>	<u>\$32</u>	<u>\$34</u>	<u>\$36</u>
<u>C. Nonresident archery license</u>	<u>\$47</u>	<u>\$51</u>	<u>\$53</u>	<u>\$55</u>
<u>D. Alien archery license</u>	<u>\$62</u>	<u>\$66</u>	<u>\$68</u>	<u>\$70</u>

Sec. 8. 12 MRSA §7107-A, sub-§1-A, as enacted by PL 1993, c. 47, §2, is amended to read:

1-A. Form of license. The muzzle-loading hunting license must be in the form of a stamp that must be affixed to the person's big game hunting license or junior hunting license. ~~The stamp must bear the words "RIGHT TO BEAR ARMS."~~

Sec. 9. 12 MRSA §7109-A is enacted to read:

§7109-A. Migratory game bird certification

1. Certification required. Beginning January 1, 1996, a person may not hunt migratory game birds unless that person is certified under this section.

2. Eligibility. Any resident of the State, nonresident or alien who is eligible to obtain a state hunting license is eligible to be certified to hunt migratory game birds.

3. Certification procedure. An eligible person becomes certified to hunt migratory game birds when that person indicates on that person's hunting license at the time of purchase the intention to hunt migratory game birds during the calendar year for which the license is valid.

Sec. 10. 12 MRSA §7151, sub-§3, ¶¶A and B, as enacted by PL 1979, c. 420, §1, are repealed.

Sec. 11. 12 MRSA §7153, as amended by PL 1993, c. 438, §8, is further amended to read:

§7153. Alewife, eel, sucker and yellow perch permit

1. Issuance. The commissioner may issue permits to fish for or possess alewives, eel, suckers and yellow perch by means of eel pots, traps, spears or nets in inland waters, under such rules as the commissioner may establish, provided these permits do not interfere with rights granted under section 6131.

2. Fee. The minimum fee for ~~these permits an individual permit~~ is \$38 for 1993, \$40 for 1994, \$41 for 1995 and \$42 for 1996 and every year thereafter. Beginning in calendar year 1996, a crew permit may be sold for \$100 authorizing up to 3 persons to engage in the licensed activity.

Sec. 12. 12 MRSA §7154, sub-§3, as amended by PL 1995, c. 210, §1, is repealed and the following enacted in its place:

3. Fee. The fee for a bass tournament permit is:

A. For weigh-in tournaments, \$24 per day; and

B. For catch and release tournaments, \$5 per day.

Sec. 13. 12 MRSA §7171, sub-§4, ¶B, as amended by PL 1987, c. 317, §10, is further amended by enacting a new subparagraph (7) to read:

(7) The holder of a baitfish wholesale license who attempts to take live bait for resale using drop nets from the inland waters of the State by fishing through the ice must mark all holes made in the ice by that person for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides.

Sec. 14. 12 MRSA §7171, sub-§4, ¶C, as amended by PL 1993, c. 438, §9, is further amended by amending subparagraphs (2) and (8) to read:

(2) The holder of a smelt wholesaler's license may take live smelts for resale from any inland water in accordance with general rules ~~promulgated~~ adopted by the commissioner in regard to the taking of smelts. In taking smelts under the general rules, the holder of a smelt wholesaler's license shall comply with the same daily bag limit and the same tackle restrictions that apply to all other anglers. The holder of a smelt wholesaler's license may not take multiple limits from waters governed by general rules in order to attain the 8-quart limit of smelts described in subparagraph (3).

(8) The holder of a smelt wholesaler's license, or the holder's designee, may transport live smelts, except that live smelts being transported directly from an inland water source must be accompanied by the licensee. The holder of a smelt wholesaler's license may not transport from an inland water source to the licensee's place of business more than 8 quarts of live smelts.

Sec. 15. 12 MRSA §7171, sub-§4, ¶C, as amended by PL 1993, c. 438, §9, is further amended by enacting a new subparagraph (9) to read:

(9) The holder of a smelt wholesaler's license who attempts to take live smelt for resale using drop nets from the inland waters of the State by fishing through the ice must mark all holes made in the ice by that person for that purpose. The holes must be marked by suspending at least one strand of fluorescent biodegradable tape at least 3 feet above the ice around the entire perimeter of the hole so that the tape is visible from all sides.

Sec. 16. 12 MRSA §7171, sub-§4, ¶D is enacted to read:

D. For purposes of this subsection, "business facility" means a fixed place of business and does not include a motor vehicle or trailer. Live smelts or baitfish that are held in or on a motor vehicle or trailer by a person licensed under this section are considered in transport even if the motor vehicle or trailer may be temporarily placed at a specific location by the licensee, or the licensee's designee, for the purpose of selling live smelts and baitfish to anglers.

Sec. 17. 12 MRSA §7235-A, sub-§3, ¶A, as amended by PL 1995, c. 213, §2, is further amended to read:

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

Sec. 18. 12 MRSA §7240, sub-§3, as amended by PL 1983, c. 22, §2, is further amended to read:

3. Restrictions. Upon receipt of shipment, importers of ~~Ringneck~~ ringneck pheasants shall attach securely to each bird a ~~metallic permanent~~ leg band.

A. This leg band ~~shall~~ must remain attached to the birds until they are finally prepared for consumption.

Sec. 19. 12 MRSA §7363, sub-§13, as enacted by PL 1983, c. 502, §4, is amended to read:

13. Whitewater trip. "Whitewater trip" means any commercial effort to transport passengers by means of a whitewater craft on rapidly flowing rivers, except commercial efforts by guides licensed under section 7311 to transport clients by means of a whitewater craft on rapidly flowing rivers while principally engaged in fishing.

Sec. 20. 12 MRSA §7368-A, sub-§3, as enacted by PL 1989, c. 883, §10, is amended to read:

3. Passenger limitation. ~~An~~ Except as provided in this subsection, an outfitter may not carry more than 80 passengers per day on any rapidly flowing river. On allocated days, that limit may be exceeded only as provided in section 7369, subsection 10, paragraph C. On unallocated days, an outfitter may occasionally carry up to 4 additional passengers to accommodate problems in booking. Abuse of this privilege results in its loss.

Sec. 21. 12 MRSA §7369, sub-§10, ¶A, as amended by PL 1993, c. 438, §24, is further amended to read:

A. Allocations are required for Saturdays for the period of June 8th to August 31st. ~~Except as provided in paragraph F, allocations are required for Sundays on the Penobscot River for the period of~~ The commissioner may adopt rules establishing allocations for Sundays between June 8th to August 31st. If the department determines that the recreational use limit will be

reached other days, the department shall provide by rule for allocations.

Sec. 22. 12 MRSA §7369, sub-§10, ¶F, as amended by PL 1993, c. 574, §19, is repealed.

Sec. 23. 12 MRSA §7372, as enacted by PL 1979, c. 420, §1, is amended to read:

§7372. Intentional issuance of resident license or permit to nonresident

A town clerk or agent is guilty of intentional issuance of a resident license or permit to a nonresident if ~~he the town clerk or agent~~ intentionally issues a resident license or permit to a person who is not a resident of the municipality in which the license or permit is issued.

Sec. 24. 12 MRSA §7377, sub-§5, as amended by PL 1979, c. 723, §15, is repealed.

Sec. 25. 12 MRSA §7377, sub-§5-A is enacted to read:

5-A. Importing live freshwater fish or eggs. Notwithstanding section 7202, the commissioner may adopt rules allowing the importation after January 1, 1996 of certain species of tropical fish and goldfish without a permit. The commissioner may allow the importation of those species without a permit only for aquarium purposes and only if the commissioner determines that the species does not pose a significant risk to the health, habitat or genetic integrity of any native species of fish or other aquatic organism.

Sec. 26. 12 MRSA §7451, sub-§4 is enacted to read:

4. Bear tags. The commissioner shall prescribe the form and content of a bear tag, except that the commissioner may not produce a bear tag that is part of a hunting license issued for calendar year 1996 or later.

Sec. 27. 12 MRSA §7452, sub-§11, as amended by PL 1987, c. 317, §20, is further amended to read:

11. Failure to attach bear tag to bear. A person is guilty of failure to attach a bear tag to a bear if, prior to presenting a bear for registration, ~~he that person~~ possesses or leaves in the fields or forests a bear ~~which he has killed and which killed by that person that~~ does not have securely attached to it and plainly visible ~~the bear tag portion of his hunting license bearing his full name and address, or if the bear was taken by trapping, a tag bearing his full name, address and trapping license number a bear tag that conforms to the requirements of section 7451, subsection 4.~~

Sec. 28. 12 MRSA §7452, sub-§13, as enacted by PL 1979, c. 543, §40, is amended to read:

13. Illegally transporting bear. A person is guilty, except as otherwise provided in chapters 701 to 721 and except as provided in subsection 15, paragraph E, of illegally transporting bear if ~~he~~, at any time and in any manner, that person moves or transports any bear, and:

A. The bear is not open to view;

B. ~~The A bear tag portion of the hunting license bearing the name and address of the person who killed the bear~~ that conforms to the requirements of section 7451, subsection 4 is not securely attached to the bear; or

C. The person who killed the bear does not accompany the bear while it is being moved or transported.

Sec. 29. 12 MRSA §7456, sub-§1-A is enacted to read:

1-A. Hunting migratory game birds without certification. A person is guilty of hunting migratory game birds without certification if that person hunts migratory game birds and has not been certified to do so as provided in section 7109-A.

Sec. 30. 12 MRSA §7457, sub-§1, ¶D, as amended by PL 1981, c. 644, §24, is further amended to read:

D. There ~~shall be~~ is a continual closed season on deer in the following places:

- (1) Mount Desert Island;
- (2) Cross Island in Washington County;
- (3) Scotch Island in Washington County;
- (4) The Town of Isle au Haut and the islands within the confines of the Town of Isle au Haut in Knox County;
- (5) Wildlife sanctuaries ~~which that~~ have been established by law, except as provided in section 7653;
- (6) All of Swan Island in the Town of Swan's Island in Hancock County;
- (7) The Town of Islesboro in Waldo County, except that a person may hunt deer in that town with bow and arrow from the first day of ~~October~~ the special archery season on deer, established in accordance with section 7102-A, subsection 6, paragraph C, to the end of the regular firearm season on

deer of each calendar year in Waldo County;

(8) The whole of Cranberry Isles in Hancock County; and

(9) The whole of Long Island in Long Island Plantation in Hancock County.

Sec. 31. 12 MRSA §7457, sub-§3 is enacted to read:

3. Deer tags. The commissioner shall prescribe the form and content of a deer tag, except that the commissioner may not produce a deer tag that is part of a hunting license issued for calendar year 1996 or later.

Sec. 32. 12 MRSA §7458, sub-§6, as amended by PL 1981, c. 414, §34, is further amended to read:

6. Failure to attach deer tag to deer. A person is guilty of failure to attach a deer tag to a deer if, prior to presenting a deer for registration, ~~he that person~~ possesses or leaves in the fields or forests a deer ~~which he has killed which~~ killed by that person that does not have securely attached to it and plainly visible ~~the deer tag portion of his hunting license bearing his full name and address~~ a deer tag that conforms to the requirements of section 7457, subsection 3.

Sec. 33. 12 MRSA §7458, sub-§11, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. ~~The~~ A deer tag ~~portion of the hunting license~~ bearing the name and address of the person who killed the deer ~~that conforms to the requirements of section 7457, subsection 3~~ is not securely attached to the deer; or

Sec. 34. 12 MRSA §7463-A, sub-§13, ¶C, as enacted by PL 1993, c. 577, §1, is amended to read:

C. An eligible person wishing to apply for a permit under this subsection shall submit a written application in such form as the commissioner may require. The application must be accompanied by a bidding fee of \$25, which, except as otherwise provided in paragraph D, may not be refunded. The commissioner may waive the requirements of this paragraph when, as provided in paragraph G, the commissioner enters into contract with a conservation organization to auction the permits.

Sec. 35. 12 MRSA §7464, sub-§6, as enacted by PL 1979, c. 543, §50, is amended to read:

6. Failure to attach moose tag to moose. A person is guilty of failure to attach a moose tag to a

moose if, prior to presenting a moose for registration, ~~he that person~~ possesses or leaves in the fields or forests a moose ~~which he the person~~ has killed ~~which~~ that does not have securely attached to one of its head hind legs, and plainly visible, the moose tag portion of ~~his the~~ permit, bearing ~~his the person's~~ full name and address.

Sec. 36. 12 MRSA §7557 is enacted to read:

§7557. Identifying waters where children may fish with single baited hook and line

Rules adopted by the commissioner that set forth the special fishing regulations for inland waters of the State must include a list of waters where a person under 12 years of age may fish with a single baited hook and line.

Sec. 37. 12 MRSA §7606-B is enacted to read:

§7606-B. Failure to check baitfish traps

A person is guilty of failure to check a baitfish trap if that person, while trapping for baitfish in the inland waters with the use of a baitfish trap as defined in section 7001, subsection 1-B, fails to check the baitfish trap or cause the same to be checked at least once in every 3 calendar days.

Sec. 38. 12 MRSA §7652, sub-§3, ¶B, as amended by PL 1991, c. 443, §32, is repealed and the following enacted in its place:

B. The following areas are classified as state-owned wildlife management areas, or "WMAs":

(1) Blanchard/AuClair WMA (Roach River Corridor) - T1 R14 WELS - Piscataquis County;

(2) Brownfield WMA - Brownfield, Denmark, Fryeburg - Oxford County;

(3) George Bucknam WMA (Belgrade Stream) - Mt. Vernon - Kennebec County;

(4) Caesar Pond WMA - Bowdoin - Sagadahoc County;

(5) Chesterville WMA - Chesterville - Franklin County;

(6) Coast of Maine WMA - all state-owned coastal islands that are owned or managed by the Department of Inland Fisheries and Wildlife;

(7) Dickwood Lake WMA - Eagle Lake - Aroostook County;

- (8) Francis D. Dunn WMA (Sawtelle Deadwater) - T6 R7 WELS - Penobscot County;
- (9) Fahi Pond WMA - Embden - Somerset County;
- (10) Lyle Frost WMA (formerly Scammon) - Eastbrook, Franklin - Hancock County;
- (11) Alonzo H. Garcelon WMA (Mud Mill Flowage) - Augusta, Windsor - Kennebec County;
- (12) Great Works WMA - Edmunds Township - Washington County;
- (13) Jamies Pond WMA - Manchester, Farmingdale - Kennebec County;
- (14) Jonesboro WMA - Jonesboro - Washington County;
- (15) Earle R. Kelley WMA (Dresden Bog) - Alna, Dresden - Lincoln County;
- (16) Kennebunk Plains WMA - Kennebunk - York County;
- (17) Bud Leavitt WMA (Bull Hill) - Atkinson, Charleston, Dover-Foxcroft, Garland - Penobscot and Piscataquis Counties;
- (18) Gene Letourneau WMA (Frye Mountain) - Montville, Knox, Morrill - Waldo County;
- (19) Long Lake WMA - St. Agatha - Aroostook County (All of Long Lake within the Town of St. Agatha);
- (20) Madawaska WMA - Palmyra - Somerset County;
- (21) Mainstream WMA - Cambridge - Somerset County;
- (22) Lt. Gordon Manuel WMA - Hodgdon, Cary Plantation, Linneus - Aroostook County;
- (23) Maynard F. Marsh WMA (Killick Pond) - Hollis, Limington - York County;
- (24) Mercer Bog WMA - Mercer - Somerset County;
- (25) Merrymeeting Bay WMA - Dresden, Bowdoinham - Lincoln and Sagadahoc Counties;
- (26) Morgan Meadow WMA - Raymond - Cumberland County;
- (27) Mt. Agamenticus WMA - York, South Berwick - York County;
- (28) Muddy River WMA - Topsham - Sagadahoc County;
- (29) Narraguagus Junction WMA - Cherryfield - Washington County;
- (30) Old Pond Farm WMA - Maxfield, Howland - Penobscot County;
- (31) Orange River WMA - Whiting - Washington County;
- (32) Peaks Island WMA - Portland - Cumberland County;
- (33) Pennamaquam WMA - Pembroke, Charlotte - Washington County;
- (34) Steve Powell WMA - Perkins Township - Sagadahoc County. (Being the islands in the Kennebec River near Richmond known as Swan Island and Little Swan Island, formerly known as Alexander Islands);
- (35) David Priest WMA (Dwinal Pond) - Lee, Winn - Penobscot County;
- (36) Ruffingham WMA - Montville, Searsmont - Waldo County;
- (37) St. Albans WMA - St. Albans - Somerset County;
- (38) Sandy Point WMA - Stockton Springs - Waldo County;
- (39) Scarborough WMA - Scarborough, Old Orchard Beach, Saco - Cumberland and York Counties;
- (40) Steep Falls WMA - Standish, Baldwin - Cumberland County;
- (41) Tyler Pond WMA - Manchester, Augusta - Kennebec County;
- (42) Vernon S. Walker WMA - Newfield, Shapleigh - York County;
- (43) Weskeag Marsh WMA - South Thomaston, Thomaston, Rockland, Owl's Head - Knox County; and
- (44) Such other areas as the commissioner designates, by rules adopted in accordance

with section 7653, as state-owned wildlife management areas.

Sec. 39. 12 MRSA §7653, as amended by PL 1981, c. 414, §36, is further amended to read:

§7653. Commissioner's authority over sanctuaries; wildlife management areas and access sites

1. Public use. The commissioner may, pursuant to section 7035, subsection 1, ~~promulgate~~ adopt rules regulating hunting, fishing, trapping or other public use of any wildlife management area or wildlife sanctuary as designated in section 7651, subsection 1, except that ~~no a landowner shall~~ may not be prohibited from operating any vehicle on land on which ~~he~~ that person is domiciled.

2. Natural products. The commissioner may harvest and sell natural products of the land on lands owned by the department.

3. Trapping. The commissioner may regulate the trapping of wild animals on wildlife sanctuaries or closed territories.

4. Fees. The commissioner may establish reasonable fees for admission to the Fish and Wildlife Visitors' Center at Gray, Maine Cumberland County, and the Steve Powell Wildlife Management Area at Perkins Township, Sagadahoc County, known as Swan Island and Little Swan Island.

5. Access sites to inland and coastal waters. The commissioner may, pursuant to section 7035, subsection 1, adopt rules regulating public use of department-owned or department-maintained sites that provide public access to inland or coastal waters. The commissioner may establish reasonable fees for use of these sites by members of the public as necessary to help defray the cost of routine maintenance and security.

Sec. 40. 12 MRSA §7801, sub-§30, ¶A, as enacted by PL 1989, c. 469, §4, is amended to read:

A. Or any passenger is not wearing ~~Coast Guard~~ Coast Guard approved Type I ~~or~~ Type II or Type III personal flotation devices while operating or riding on the personal watercraft;

Sec. 41. 12 MRSA §§7829 and 7830 are enacted to read:

§7829. Liability for damage by other persons

The owner of a snowmobile, the person who gives or furnishes that snowmobile to a person under 18 years of age and the parent or guardian responsible for the care of that minor are jointly and severally liable with the minor for any damages caused in the operation of the snowmobile by that minor.

§7830. Impoundment of snowmobiles

When a law enforcement officer issues a summons for a violation under this subchapter, the officer may impound the snowmobile operated by the person who receives the summons if, in the judgment of the officer, based on actual previous offenses by the operator or other considerations, the operator will continue to operate the machine in violation of this subchapter and that operation may be a hazard to the safety of persons or property.

The operator or owner of an impounded snowmobile may reclaim the snowmobile at any time subsequent to 24 hours after the issuance of the summons upon payment of the costs of impoundment to the enforcement agency impounding the snowmobile.

Sec. 42. 12 MRSA §7857, sub-§16, as amended by PL 1993, c. 438, §40, is further amended to read:

16. Operating an ATV with insufficient lights. A person is guilty, except as provided in subsection 24, paragraphs B, E-1 and G, of operating an ATV with insufficient lights, if that person operates an ATV that is not equipped as follows.

A. Every ATV must have mounted on the front at least one headlight capable of casting a white beam for a distance of at least 100 feet directly ahead of the ATV.

B. Every ATV must have mounted on the rear at least one ~~lamp~~ taillight capable of displaying a ~~red~~ light that must be visible at a distance of at least 100 feet behind the ATV.

~~C. Every new ATV, except 2 wheel off road motorcycles, manufactured after January 1, 1991, and sold in Maine, must be equipped with working headlights, taillights and brake lights.~~

D. Every ATV, excluding 2-wheel off-road motorcycles, must have mounted on the rear at least one brake light capable of displaying a red light when the brakes are applied that is visible for at least 100 feet.

This subsection applies to any ATV operated in this State, regardless of where it was purchased.

Sec. 43. 12 MRSA §7857, sub-§25 is enacted to read:

25. Prohibition on sales without lights. Except as provided in this subsection, a person may not sell or offer to sell a new ATV unless that ATV is equipped with a functioning headlight, a taillight and brake light. This subsection does not apply to an ATV that:

A. Is a 2-wheel off-road motorcycle; or

B. Was manufactured prior to 1991.

Sec. 44. Task force established. The Task Force to Study the Operations of the Department of Inland Fisheries and Wildlife, referred to in this section as the "task force," is established.

1. Membership. The task force consists of 8 members, appointed as follows.

A. The Speaker of the House of Representatives and the President of the Senate shall jointly appoint 5 members of the Legislature who are members of the Joint Standing Committee on Inland Fisheries and Wildlife. The Speaker of the House and the President of the Senate shall appoint these members from among names recommended for appointment by a majority of the members of the Joint Standing Committee on Inland Fisheries and Wildlife.

B. The Governor shall appoint 2 public members at large.

C. The Board of Directors of the Sportsman's Alliance of Maine shall appoint one member.

2. Appointments; meetings; chair. All members of the task force must be appointed not later than 30 days after the effective date of this section. The Executive Director of the Legislative Council must be notified of all appointments. When all appointments have been made, the Chair of the Legislative Council shall call the first meeting of the task force not later than July 31, 1995. At its first meeting, the task force shall elect a chair from among its members. The chair of the task force shall call all subsequent meetings.

3. Purpose. The task force shall conduct a comprehensive review of the operations and functions of the Department of Inland Fisheries and Wildlife. The Commissioner of Inland Fisheries and Wildlife, the Commissioner of Administrative and Financial Services, the Director of the Bureau of Human Resources and all other appropriate agencies shall cooperate with requests from the task force for information or records pertaining to the operations of the department.

4. Staffing. The task force shall request staffing assistance from the Legislative Council.

5. Per diem and expenses. Appointed members of the task force are entitled to legislative per diem and reimbursement for expenses related to work of the task force. Expenses that are eligible for reimbursement include travel, meals and lodging associated with travel outside this State.

6. Costs paid by department. The Department of Inland Fisheries and Wildlife shall reimburse the Legislature for all per diem and expenses of the task force upon request of the Executive Director of the Legislative Council.

7. Report. The task force shall submit its report and any accompanying legislation to the Second Regular Session of the 117th Legislature not later than December 1, 1995.

Sec. 45. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 7102, subsection 3 and that section of this Act that repeals and replaces Title 12, section 7102-A, subsection 4 are retroactive to January 1, 1995.

Sec. 46. Effective date. That section of this Act that repeals the Maine Revised Statutes, Title 12, section 7377, subsection 5 takes effect January 1, 1996.

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

Effective July 3, 1995, unless otherwise indicated.

CHAPTER 456

S.P. 430 - L.D. 1198

An Act to Amend the Maine Bail Code to Penalize Defendants Who Have Been Granted a Stay of Execution and Fail to Report

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

Sec. 1. 15 MRSA §1091-A is enacted to read:

§1091-A. Failure to report

1. Failure to report after stay of execution. A defendant who has been sentenced but granted a stay of execution to report at a specific time and who fails to report as ordered is guilty of:

A. A Class E crime if the underlying crime was punishable by a maximum period of imprisonment of less than one year; or

B. A Class C crime if the underlying crime was punishable by a maximum period of imprisonment of one year or more.