

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

of the Governor Baxter School
for the Deaf.

DEPARTMENT OF
EDUCATION
TOTAL

_____ \$10,400

Sec. 13. Effective date. This Act, except for the portion of the section of this Act that enacts the Maine Revised Statutes, Title 20-A, section 7406, takes effect on January 1, 1997.

Effective January 1, 1997, unless otherwise indicated.

CHAPTER 677

H.P. 296 - L.D. 400

An Act to Clarify the Laws Relating to Gaming and Harness Racing

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

Sec. 1. 8 MRSA §275-O, sub-§3, ¶¶C and D, as enacted by PL 1995, c. 403, §1, are amended to read:

C. Section 275-I, subsection 1, paragraph A; ~~and~~

D. Section 275-L, subsection 1; ~~and~~

Sec. 2. 8 MRSA §275-O, sub-§3, ¶E is enacted to read:

E. Section 275-J, subsection 1, paragraph A.

Sec. 3. 8 MRSA §275-O, sub-§5, as enacted by PL 1995, c. 403, §1, is repealed.

Sec. 4. 17 MRSA §314, first ¶, as amended by PL 1993, c. 45, §1, is further amended to read:

The Chief of the State Police may issue licenses to operate beano or bingo games on a monthly basis to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veterans' organization that was in existence at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of that organization by duly authorized members. The Chief of the State Police may also issue a license to any auxiliary associated with an organization, department or association qualified for a license under this section if the auxiliary has been in existence at least 2 years before applying for a license and the games are sponsored, operated and conducted for the exclusive benefit of

the auxiliary by duly authorized members of the auxiliary. Proceeds from any game conducted by the auxiliary or the auxiliary's parent organization may not be used to provide salaries, wages or other remuneration to members, officers or employees of the auxiliary or its parent organization, except as provided in sections 326 and 335. The 2 years' limitation does not apply to any ~~chartered posts of veterans' organizations, nationally established, organizations in this State having a charter from a national organization, or auxiliaries of those posts organizations,~~ even though the ~~posts organizations~~ have not been in existence for 2 years prior to their application for a license ~~nor does the.~~ The 2 years' limitation does not apply to any volunteer fire department or rescue unit or auxiliary of that department or unit. A license may be issued to an agricultural fair association when sponsored, operated and conducted for the benefit of such agricultural fair association.

See title page for effective date.

CHAPTER 678

H.P. 345 - L.D. 465

An Act to Improve the Local Road Assistance Program

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

Sec. 1. 23 MRSA §1802-A, sub-§1, as enacted by PL 1989, c. 516, §2, is amended to read:

1. Average lane miles maintained. "Average lane miles maintained" means the sum of the number of lane miles of public road maintained by the municipality in the summer plus the number of lane miles of public road maintained in the winter, divided by 2.

Sec. 2. 23 MRSA §1802-A, sub-§2 is enacted to read:

2. Lane miles. "Lane miles" means a length of road measured in miles multiplied by the number of travel lanes for that length of road.

Sec. 3. 23 MRSA §1803-B, sub-§1, as enacted by PL 1989, c. 516, §4, is amended to read:

1. Distribution. Subject to the limitations set out in subsection 4, funds from the Local Road Assistance Program ~~shall~~ must be distributed to each municipality based on the average lane miles maintained by the municipality multiplied by an amount not less than ~~\$1,200~~ \$600.

Sec. 4. Funding. Any funds necessary for the implementation of this Act must be in addition to funds currently allocated to the Local Road Assistance Program.

Sec. 5. Date for payments under revised distribution formula. The State shall begin distribution to municipalities in accordance with the provisions of this Act with the quarterly payments due March 1, 1997. For fiscal year 1996-97, municipalities with roads in excess of 2 lanes will receive 1/2 of the annual increase resulting from the calculation for distribution using lane miles in accordance with this Act. The allocation in fiscal year 1996-97 is \$75,000, 1/2 the anticipated annual increase in distribution under the Local Road Assistance Program.

Sec. 6. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1996-97

**TRANSPORTATION,
DEPARTMENT OF**

Local Road Assistance

All Other	\$75,000
Allocates additional funds to be distributed to municipalities for each mile of public road with more than 2 lanes pursuant to the funding formula of the Local Road Assistance Program.	

Sec. 7. Effective date. This Act takes effect on January 1, 1997.

Effective January 1, 1997.

CHAPTER 679

S.P. 323 - L.D. 904

An Act to Increase the Penalties for Certain Crimes Involving Alcohol and Illegal Drugs

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

Whereas, the use of intoxicating liquor or drugs while hunting or operating a snowmobile, ATV or watercraft is a threat to the public health and welfare; and

Whereas, existing penalties for those crimes are not sufficient; and

Whereas, the penalties established in this legislation must take effect prior to the summer recreational season; 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 §7077, sub-§1-A, ¶B, as enacted by PL 1993, c. 136, §1, is amended to read:

B. Hunting while under the influence of alcohol intoxicating liquor or drugs, in violation of section 7406, subsection 3;

Sec. 2. 12 MRSA §7077-A, sub-§1-A is enacted to read:

1-A. Hunting while under the influence of intoxicating liquor or drugs. Notwithstanding any other provision of this Part, a person convicted of hunting while under the influence of intoxicating liquor or drugs in violation of section 7406, subsection 3 is not eligible to obtain a license to hunt in this State for a period of 5 years from the date of conviction.

Sec. 3. 12 MRSA §7406, sub-§3, as repealed and replaced by PL 1991, c. 443, §21, is amended to read:

3. Hunting while under the influence of intoxicating liquor or drugs. A person ~~is guilty of a Class E crime~~ commits the crime of hunting while under the influence of intoxicating liquor or drugs if that person hunts wild animals or wild birds:

A. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs; ~~or~~

B. ~~While~~ For a person 21 years of age or older, while having 0.08% or more by weight of alcohol in that person's blood; or

C. For a person less than 21 years of age, while having any amount of alcohol in the blood.

Hunting while under the influence of intoxicating liquor or drugs is a Class D crime.

Sec. 4. 12 MRSA §7408, as enacted by PL 1991, c. 443, §24, is amended to read: