

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 121

H.P. 500 - L.D. 691

**An Act to Clarify the Sanctions for
Violating Laws Relating to Animal
Pulling Events**

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

Sec. 1. 7 MRSA §74-A, sub-§8, as enacted by PL 1995, c. 602, §2, is amended to read:

8. Administrative hearing; suspension. In ~~addition to or in~~ lieu of the civil action authorized by subsection 9, the commissioner may institute an administrative proceeding. If the commissioner institutes an administrative proceeding, the commissioner shall give notice and an opportunity for hearing under Title 5, chapter 375, subchapter IV, on any alleged violation of this section. Upon giving notice, the commissioner shall prohibit immediately the person against whom the violation is alleged from competing in an event within the State. This prohibition remains in effect for 30 days or until the commissioner's decision following the hearing is received, whichever occurs first, ~~exclusive of any delays resulting from continuances requested by the person against whom the violation is alleged~~ except that the prohibition period is extended by any delays of the hearing requested by the person against whom the violation is alleged.

If the person against whom the violation is alleged does not request a hearing or if, after a hearing, the commissioner finds a violation of this section, the commissioner shall prohibit that person from competing in any event within the State for a period of 2 years and also exclude the animal from competing in any event within the State for a period of one year.

Sec. 2. 7 MRSA §74-A, sub-§9, ¶A, as enacted by PL 1995, c. 602, §2, is amended to read:

A. The following forfeitures may be adjudged ~~and collected by the commissioner~~ in a civil action in a court of competent jurisdiction:

- (1) For the first violation, a forfeiture of not less than \$100 nor more than \$500; or
- (2) For a 2nd or subsequent violation, a forfeiture of not less than \$500 nor more than \$1,000.

Forfeitures adjudged under this paragraph and collected by the commissioner must be deposited in the General Fund.

Sec. 3. 7 MRSA §74-A, sub-§9, ¶B, as enacted by PL 1995, c. 602, §2, is repealed.

Sec. 4. 7 MRSA §74-A, sub-§9, ¶B-1 is enacted to read:

B-1. When a violation is adjudicated under this section, the commissioner shall immediately suspend the right of the person adjudicated to have committed the violation from all events for a period of 2 years and shall also exclude the animal involved from competing in any event for a period of one year. An action by the commissioner based upon an adjudication under this section is automatic and there is no right to a hearing before the commissioner on the suspension. A person who participated in an event during any period of suspension or prohibition ordered by the commissioner under this paragraph or subsection 8 and the owner and trainer of any animal that competes during a period of suspension or prohibition commit an additional violation of this section.

See title page for effective date.

CHAPTER 122

H.P. 519 - L.D. 710

**An Act Amending the Maine
Consumer Credit Code**

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

Sec. 1. 9-A MRSA §1-301, sub-§11, ¶A, as amended by PL 1987, c. 396, §4, is further amended to read:

A. ~~Except as provided in paragraph B, a~~ A "consumer credit sale" is a sale of goods, services or an interest in land in which:

- (i) ~~credit~~ Credit is granted either pursuant to a credit card other than a lender credit card or by a seller who regularly engages as a seller in credit transactions of the same kind;
- (ii) ~~the~~ The buyer is a person other than an organization;
- (iii) ~~the~~ The goods, services or interest in land are purchased primarily for a personal, family or household purpose;
- (iv) ~~either~~ Either the debt is payable in ~~in-~~ installments installments or a finance charge is made; ~~and~~

(v) ~~with~~ With respect to a sale of goods or services, not including manufactured housing or a motor vehicle, the amount financed does not exceed \$25,000; and

(vi) With respect to a sale of a motor vehicle as defined in Title 29-A, section 101, subsection 42, the amount financed does not exceed \$35,000.

See title page for effective date.

CHAPTER 123

H.P. 573 - L.D. 764

An Act Concerning Regulatory Authority to Protect Certain Marine Organisms

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

Whereas, current law authorizes the Commissioner of Marine Resources to adopt or amend rules that limit the taking of marine organisms; and

Whereas, whales and other marine organisms that are protected under state and federal law are becoming entangled in fishing gear and dying; and

Whereas, immediate action is needed to prevent further needless losses to these protected species; 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 §6001, sub-§26, as amended by PL 1987, c. 312, §2, is further amended to read:

26. Marine organism. "Marine organism" means any animal, plant or other life that inhabits ~~eastal~~ coastal waters below head of tide.

Sec. 2. 12 MRSA §6171, sub-§5 is enacted to read:

5. Rules to limit taking of marine organisms. The commissioner may adopt rules that limit the taking of a marine organism for the purpose of protecting another marine organism. Rules adopted

pursuant to this subsection are major substantive rules, pursuant to Title 5, chapter 375, subchapter II-A.

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

Effective April 25, 1997.

CHAPTER 124

S.P. 256 - L.D. 825

An Act to Clarify the Laws on Personal Information of State Employees

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

Sec. 1. 5 MRSA §1545 is amended to read:

§1545. Reproduction of certain documents authorized

The State Controller is authorized to cause to be made, at the expense of the State, by any photostatic, photographic, microfilm or other mechanical process ~~which that~~ which produces a clear, accurate and permanent copy or reproduction thereof, copies of any part or all of the state cancelled checks, vouchers and other documents on file in the Bureau of Accounts and Control or the Office of the Treasurer of State. Any records created by or provided to the State containing information about outstanding, unpaid checks issued by the State are confidential and not available for public inspection to the extent that the State Controller and the Treasurer of State determine that confidentiality is necessary to protect the interests of the payee, the State and the public welfare.

Sec. 2. 5 MRSA §7070, sub-§2, as amended by PL 1991, c. 729, §1, is further amended to read:

2. Personal information of employees. Records containing the following, except they may be examined by the employee to whom they relate when the examination is permitted or required by law:

- A. Medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
- B. Performance evaluations and personal references submitted in confidence;
- C. Information pertaining to the credit worthiness of a named employee;