

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
JUNE 26, 1997

FIRST SPECIAL SESSION
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

1997. That section of this Act that amends Title 19-A, section 354, subsection 2 takes effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 135

H.P. 1055 - L.D. 1487

An Act to Authorize Clerks to Sign Notices of Certain Court Actions

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

Sec. 1. 4 MRSA §107, as amended by PL 1995, c. 560, Pt. I, §4, is further amended by adding at the end a new paragraph to read:

The clerk of the Superior Court may sign notices to appear in court for hearings on nonpayment of fines, counsel fees or restitution.

Sec. 2. 4 MRSA §159, as amended by PL 1995, c. 560, Pt. I, §14, is further amended by adding at the end a new paragraph to read:

The clerk of the District Court may sign notices to appear in court for hearings on nonpayment of fines, counsel fees or restitution.

Sec. 3. 17-A MRSA §1304, sub-§1, as amended by PL 1987, c. 861, §15, is further amended to read:

1. When a convicted person sentenced to pay a fine defaults in the payment of the fine or of any installment, the court, upon the motion of the official to whom the money is payable, as provided in section 1303, or upon its own motion, may require that person to show cause why that person should not be committed to the custody of the sheriff for nonpayment and may issue a summons or a warrant of arrest for that person's appearance. The clerk of the court shall notify the person to appear in court.

Unless such person shows that the default was not attributable to a willful refusal to obey the order of the court or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may commit that person to the custody of the sheriff until the fine or a specified part of the fine is paid. The length of incarceration for such unexcused nonpayment of the fine ~~shall must~~ be specified in the court's order and ~~shall may~~ not exceed one day for each \$5 of the fine or 6 months, whichever is the shorter. When a fine is imposed on an organization, it is the duty of the person or persons

authorized to make disbursements from the assets of the organization to pay it from such assets and failure so to do may subject every such person to court action pursuant to this section. A person committed for nonpayment of a fine ~~shall must~~ be given credit towards its payment for each day after ~~commitment~~ commitment that the person is in custody, at the rate specified in the court's order. The person ~~shall must~~ also be given credit for each day that the person has been detained as a result of an arrest warrant issued pursuant to this section.

See title page for effective date.

CHAPTER 136

H.P. 283 - L.D. 347

An Act to Require Overtime Pay for Employees of Large Agricultural Employers

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

Sec. 1. 26 MRSA §664, sub-§3, ¶F, as enacted by PL 1995, c. 305, §1, is amended to read:

F. The canning, processing, preserving, freezing, drying, marketing, storing, packing for shipment or distribution of:

- (1) Agricultural produce;
- (2) Meat and fish products; and
- (3) Perishable foods.

Individuals employed, directly or indirectly, for or at an egg processing facility that has over 300,000 laying birds must be paid overtime in accordance with this subsection.

See title page for effective date.

CHAPTER 137

H.P. 810 - L.D. 1098

An Act to Facilitate Implementation of an Automated Hunters' and Anglers' Data Base System for Hunting and Fishing Licenses and Registrations

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

Sec. 1. 12 MRSA §7071, sub-§8, as repealed and replaced by PL 1995, c. 455, §2, is amended to read:

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

Sec. 2. 12 MRSA §7072, sub-§2, as enacted by PL 1983, c. 819, Pt. A, §23, is repealed.

Sec. 3. 12 MRSA §7073, sub-§3-A, as enacted by PL 1993, c. 459, §2 and affected by §3, is repealed and the following enacted in its place:

3-A. Statement of right to possess firearms.

An applicant for any license or permit that authorizes a person to hunt with a firearm shall sign the following written statement.

I CERTIFY THAT EITHER I AM NOT A CONVICTED FELON OR THAT I AM A CONVICTED FELON WITH A PERMIT TO CARRY A FIREARM. BY MAKING FALSE STATEMENTS ON THIS DOCUMENT, I REALIZE I AM COMMITTING A CLASS D CRIME PUNISHABLE UNDER MAINE LAW.

Sec. 4. 12 MRSA §7073, sub-§6 is enacted to read:

6. Stamps. Whenever a license or permit to hunt is in the form of a stamp, the licensee shall affix the stamp to the licensee's hunting license and validate it by signing the licensee's name across the face of the stamp.

Sec. 5. 12 MRSA §7076, sub-§12-A is enacted to read:

12-A. Supersport. A person may be designated as a supersport by obtaining a supersport certificate from the commissioner or the commissioner's agent for a fee of \$15.

Sec. 6. 12 MRSA §7101, sub-§5-A, as enacted by PL 1995, c. 436, §3, is repealed.

Sec. 7. 12 MRSA §7102-A, sub-§3, as enacted by PL 1993, c. 24, §3 and affected by §7, is repealed.

Sec. 8. 12 MRSA §7106-B, sub-§1, as enacted by PL 1995, c. 462, Pt. A, §35 and affected by §92, is amended to read:

1. Issuance. The commissioner or the commissioner's authorized agent may issue a pheasant hunting permit ~~in the form of a stamp~~ to applicants 16 years of age or older permitting them to hunt or possess pheasants in Cumberland County and York County. A

person under 16 years of age may hunt or possess pheasants in accordance with chapters 701 to 721, except that a person under 16 years of age is not required to purchase or carry a pheasant hunting permit in order to hunt or possess pheasants.

Sec. 9. 12 MRSA §7106-B, sub-§3, as enacted by PL 1995, c. 462, Pt. A, §35 and affected by §92, is repealed.

Sec. 10. 12 MRSA §7107-A, sub-§1-A, as amended by PL 1995, c. 455, §8, is repealed.

Sec. 11. 12 MRSA §7109, sub-§1, as enacted by PL 1983, c. 807, Pt. L, §2, is amended to read:

1. Issuance of permit. The commissioner or ~~his~~ the commissioner's authorized agent shall issue a migratory waterfowl hunting permit ~~in the form of a stamp~~ to applicants 16 years of age or older ~~permitting~~ permitting them to hunt or possess migratory waterfowl. Persons under 16 years of age may, without a permit, hunt or possess migratory waterfowl in accordance with chapters 701 to 721.

Sec. 12. 12 MRSA §7109, sub-§3, as enacted by PL 1983, c. 807, Pt. L, §2, is repealed.

Sec. 13. 12 MRSA §7133, sub-§4-A, as enacted by PL 1995, c. 436, §4, is repealed.

Sec. 14. 12 MRSA §7151, sub-§5-A, as enacted by PL 1995, c. 436, §5, is repealed.

See title page for effective date.

CHAPTER 138

H.P. 346 - L.D. 468

An Act Pertaining to the Aquaculture Lease Law

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

Sec. 1. 12 MRSA §6072, sub-§2, ¶B, as amended by PL 1987, c. 453, §1, is repealed.

Sec. 2. 12 MRSA §6072, sub-§4, ¶B, as enacted by PL 1977, c. 661, §5, is amended to read:

B. Describe the location of the proposed lease ~~tract~~ area by coordinates or metes and bounds;

Sec. 3. 12 MRSA §6072, sub-§4, ¶D-2, as enacted by PL 1987, c. 453, §1, is repealed.

Sec. 4. 12 MRSA §6072, sub-§5-A, as enacted by PL 1987, c. 453, §1, is amended to read: