

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

Sec. 1. 12 MRSA §7071, sub-§8, as repealed and replaced by PL 1995, c. 455, §2, is amended to read: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 A, §23, is repealed.

Sec. 3. 12 MRSA §7073, sub-§3-A, as enacted by PL 1993, c. 459, §2 and affected by §3, is repealed and the following enacted in its place: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Sec. 6. 12 MRSA §7101, sub-§5-A, as enacted by PL 1995, c. 436, §3, is repealed.

Sec. 7. 12 MRSA §7102-A, sub-§3, as enacted by PL 1993, c. 24, §3 and affected by §7, is repealed.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

5-A. Department site review. Prior to the lease hearing, the department shall conduct an assessment of the proposed site and surrounding area to determine the possible effects of the lease on commercially and ecologically significant flora and fauna and conflicts with traditional fisheries. This review ~~shall~~ must take place any time between May and September inclusive April 1st and November 15th. This information ~~shall~~ must be provided to the intervenors and made available to the public 30 days before the hearing. As part of the site review, the department shall request information from the municipal harbor master about designated or traditional storm anchorages in proximity to the proposed lease. The commissioner may by rule establish levels of assessment appropriate to the scale or potential environmental risk posed by a proposed lease activity. The rules must provide a method of establishing a baseline to monitor the environmental effects of a lease activity. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 5. 12 MRSA §6072, sub-§6, ¶C, as enacted by PL 1987, c. 453, §1, is amended to read:

C. The Department of Environmental Protection ~~and, the Department of Conservation shall and the Department of Inland Fisheries and Wildlife~~ must be notified of all lease applications.

Sec. 6. 12 MRSA §6072, sub-§13, ¶F, as amended by PL 1993, c. 525, §1, is further amended to read:

F. For defining application requirements, an application review process and decision criteria; and

Sec. 7. 12 MRSA §6072, sub-§16, as enacted by PL 1991, c. 381, §4, is repealed.

See title page for effective date.

CHAPTER 139

S.P. 141 - L.D. 420

An Act to Improve the Reporting of General Use Pesticide Sales

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

Sec. 1. 22 MRSA §1471-W, sub-§3, as enacted by PL 1989, c. 93, §2, is repealed and the following enacted in its place:

3. Records; reporting. Any person who distributes general use pesticides to licensed general use

pesticide dealers in the State shall keep and maintain records of these sales for annual reporting purposes. These annual reports must include the names of all licensed general use pesticide dealers to whom general use pesticides were distributed, the names of the pesticides, the United States Environmental Protection Agency registration number and the quantity sold. These records must be kept for 2 years after the end of the calendar year. For the purposes of this subsection, "distributes" means sells, ships or delivers general use pesticides to a licensed general use pesticide dealer engaged in retail sales. The board may adopt rules to further clarify who is responsible for reporting under this subsection. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 140

H.P. 372 - L.D. 517

An Act to Create a Cemetery Perpetual Care Fund

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

Sec. 1. 13 MRSA §1306 is enacted to read:

§1306. Cemetery perpetual care fund

A person, corporation or any other private entity that controls a cemetery shall establish a cemetery perpetual care fund. This fund is separate from any permanent care and improvement fund for a community mausoleum on a cemetery's premises established under section 1348. The income from the cemetery perpetual care fund must be devoted to maintenance of the cemetery. This cemetery perpetual care fund must be created by depositing in the fund at least 30% of the proceeds received, in full and in installments, from the sale of lots and plots in the cemetery. This section does not apply to a family burying ground as described in section 1142. The sale of a cemetery lot or plot that is subject to a contract for the perpetual care of the lot or plot or for general cemetery maintenance is exempt from this section, as long as the contract requires that at least 30% of the proceeds from the sale of the lot or plot be set aside with the income from those funds to be used for cemetery maintenance.

See title page for effective date.