

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. 3. 12 MRSA §7824, sub-§2-B is enacted to read:

2-B. Antique snowmobile registration fee. A resident who owns a snowmobile that is more than 25 years old may register that snowmobile under this subsection as an antique snowmobile. An antique snowmobile registration authorizes that snowmobile to be operated only for the purpose of traveling to, returning from and participating in an exhibition, parade or other event of interest to the public. The fee for an antique snowmobile registration is \$30. An antique snowmobile registration is valid until the ownership of that antique snowmobile is transferred to another person. Upon the transfer of ownership, the new owner may reregister that snowmobile as an antique snowmobile by paying the \$30 antique snowmobile registration fee. The registration fee for an antique snowmobile is allocated according to subsection 3, paragraph A.

Sec. 4. 12 MRSA §7824, sub-§9, as amended by PL 1995, c. 467, §8, is further amended to read:

9. Reciprocity. Except as specifically provided in this subsection, and notwithstanding any other provision of law, a snowmobile may be possessed or operated by any person in this State without being registered in this State as long as:

A. The snowmobile is properly registered in the name of a nonresident owner of the snowmobile;

B. The nonresident owner of the snowmobile is a resident of a state, province, country or district with which this State has reciprocity.

For purposes of this subsection, "state, province, country or district with which this State has reciprocity" means a state, province, country or district that shares a common border with this State and that offers similar privileges to residents of this State. A state, province, country or district does not offer similar privileges if Maine residents holding a valid Maine snowmobile registration are charged a fee for access to the trail system in that state, province, country or district, or if, as determined by the commissioner, privileges and opportunities offered to snowmobile users in that state, province, country or district are not otherwise comparable to those offered in this State.

A snowmobile owned by a nonresident may not be issued a resident registration. Nothing in this subsection authorizes the operation of any snowmobile in any manner contrary to this subchapter.

Sec. 5. 12 MRSA §7824, sub-§10, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. The registration number assigned to a snowmobile ~~shall~~ must be displayed in such form and manner as the commissioner may determine, except that an antique snowmobile is not required to display registration numbers.

See title page for effective date.

CHAPTER 228

H.P. 1106 - L.D. 1549

An Act to Promote Microbreweries

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

Sec. 1. 28-A MRSA §1402-A is enacted to read:

§1402-A. Samples of products

A person licensed as a small brewery, farm winery or wholesaler may give a retail licensee samples of products under the following conditions:

1. Invoice required. The products must be accompanied by an invoice;

2. Product registered. The product must be registered with the bureau and clearly labeled as a sample;

3. Taxes paid. Taxes must be paid on each item;

4. Maximum annual sample established. The maximum amount of samples given to a retail licensee may not exceed 3 gallons of beer and 3 gallons of wine annually;

5. Samples removed. Beer and wine samples given to an off-premise retailer must be removed from the premises to be sampled; and

6. Records maintained. Records must be maintained for a 2-year period by the licensee giving or receiving samples.

See title page for effective date.

CHAPTER 229

S.P. 514 - L.D. 1598

An Act to Provide for Enforcement of the Laws Regarding the Protection of Underground Utility Facilities

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

Sec. 1. 23 MRSA §3360-A, sub-§6-A, as enacted by PL 1991, c. 437, §8 and affected by §12, is amended to read:

6-A. Forfeitures. The forfeitures for failure to comply with this section are as follows.

A. An excavator who does not give notice of an excavation as required under subsection 3 ~~and who damages an underground facility in the course of that excavation or who undertakes the excavation in a reckless or negligent manner that poses a threat to an underground facility~~ commits a civil violation and is subject to a civil forfeiture of up to \$1,000 in addition to any other remedies or forfeitures provided by law or any liability for actual damages.

B. An underground facility operator who does not mark the location of the operator's underground facilities as required under subsection 4 commits a civil violation and is subject to a civil forfeiture of up to \$1,000 in addition to any other remedies or forfeitures provided by law or any liability for actual damages resulting from the operator's failure to mark those facilities.

Sec. 2. 23 MRSA §3360-A, sub-§§11 and 12 are enacted to read:

11. Enforcement. The system may contract with county sheriffs or appropriate municipal law enforcement entities to issue civil summonses to excavators who violate subsection 6-A, paragraph A.

12. Injunctions; costs. The owner or operator of an underground facility may commence an action in a court of competent jurisdiction seeking a temporary restraining order or injunction to prevent a person from undertaking an excavation that may result in damage to the underground facility. The court may issue a temporary restraining order or injunction if the court determines that the excavation or proposed excavation:

A. Is being conducted or is likely to be conducted in a negligent or unsafe manner; and

B. Is causing or is likely to cause damage to the underground facility.

If the owner or operator prevails in an action brought pursuant to this subsection, the owner or operator is entitled to an award of the costs of bringing the action, including reasonable attorney's fees.

See title page for effective date.

CHAPTER 230

H.P. 1088 - L.D. 1531

**An Act Requiring Progress Reports
for Mapping Significant Wildlife
Habitat**

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

Sec. 1. 38 MRSA §480-I, sub-§3 is enacted to read:

3. Progress report. The commissioner and the Commissioner of Inland Fisheries and Wildlife shall jointly report by January 1, 1998 and on or before January 1st of every odd-numbered year thereafter to the joint standing committees of the Legislature having jurisdiction over natural resource matters and inland fisheries and wildlife matters on the progress of the mapping of significant wildlife habitats.

See title page for effective date.

CHAPTER 231

H.P. 584 - L.D. 775

**An Act Concerning Applied
Aquaculture Research in the Coastal
Waters of the State**

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

Whereas, commercial aquaculture research is needed to determine the survival of particular species already under cultivation; and

Whereas, it is vital for the Commissioner of Marine Resources to have the authority to issue emergency aquaculture leases for the relocation of shellfish to protect existing aquaculture shellfish from unanticipated threats; 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 §558-A, sub-§10, as enacted by PL 1991, c. 381, §1, is amended to read: