

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.

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Augusta, Maine
1997

veterinary technician, perform duties of an animal health care nature. The duties do not include diagnosing, making prognoses, performing surgery, ~~reading or~~ interpreting laboratory tests or prescribing or initiating treatment.

Sec. 27. 32 MRSA §4871, sub-§2, as enacted by PL 1975, c. 477, §4, is amended to read:

2. Adopt rules. Adopt ~~regulations~~ rules, when ~~deemed~~ determined necessary, that require veterinarians in this State to present evidence to the board that they have complied with the requirements of continuing education for relicensure.

Sec. 28. 32 MRSA §4872, as amended by PL 1979, c. 291, §12, is further amended to read:

§4872. Disposal of abandoned animals

Any veterinarian may dispose of any animal ~~he~~ the veterinarian has reason to believe has been abandoned in ~~his~~ the veterinarian's establishment, ~~provided he shall give if the veterinarian gives~~ notice of ~~his~~ the veterinarian's intention to do so to the owner at ~~his~~ the owner's last known address by registered or certified mail, return receipt requested and ~~shall allow~~ allows a period of 5 days to elapse after the receipt is returned before disposing of such animal; but if the owner ~~cannot~~ can not be located at ~~such that~~ address, the veterinarian shall give ~~such the~~ notice by publication in a newspaper having a circulation in the town in which ~~such the~~ owner was last known to reside, and shall allow a period of 10 days to elapse after ~~such the~~ publication before disposing of ~~such the~~ animal. The animal ~~shall be deemed~~ is considered abandoned if the owner was not located by registered mail or notice by publications and did not reply in person or by mail within the time periods outlined stating ~~his~~ the owner's intent to claim the animal.

See title page for effective date.

CHAPTER 247

H.P. 1292 - L.D. 1837

An Act to Authorize Shellfish Management Committees to Determine Fees for Clam Licenses

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

Sec. 1. 12 MRSA §6671, sub-§3-A, ¶B, as amended by PL 1991, c. 784, §6, is further amended to read:

B. A shellfish conservation ordinance may fix license fees. The fee for a ~~resident license may~~

~~not exceed \$200 and the fee for a nonresident license may be not more than~~ exceed twice the resident fee.

Sec. 2. 12 MRSA §6671, sub-§4, ¶B, as repealed and replaced by PL 1991, c. 390, §5, is amended to read:

B. Any ordinance proposed by a municipality or unorganized territory under this section must be approved in writing by the commissioner prior to its adoption, except that the commissioner may not withhold approval based on the amount of license fees specified in an ordinance.

See title page for effective date.

CHAPTER 248

H.P. 998 - L.D. 1390

An Act to Protect the Voting Rights of Stalking Victims

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 21-A MRSA §22, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§22. Records and documents are public; exception for ballots and voter address

1. Public records. All lists, books, documents and records required to be prepared by or filed with a public official are public records. Public records are open to public inspection during regular business hours under proper protective regulations made by the official charged with their custody.

2. Ballots. Ballots are not public records and may be inspected only in accordance with this Title.

3. Address of registered voter. Notwithstanding subsection 1 and Title 1, section 408, if a registered voter submits to the registrar a signed statement that the voter has good reason to believe that the physical safety of the voter or a member of the voter's family residing with the voter would be jeopardized if

the voter's address were open to public inspection, that voter's address is not a public record and the registrar shall exclude that voter's address from public inspection. The voter's name, political party affiliation and electoral division remain a public record. The voter's signed statement is also a public record.

4. Disclosure of address. A voter's address that is excluded from public inspection pursuant to subsection 3 must be made available for public inspection by:

A. A law enforcement agency, if requested by that agency; or

B. A person identified in a court order, if directed by that order.

See title page for effective date.

CHAPTER 249

S.P. 144 - L.D. 423

An Act to Require That Headlights Be on during Inclement Weather

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

Sec. 1. 29-A MRSA §2067, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed and the following enacted in its place:

1. Display of headlights. A vehicle located on a way must be equipped with headlights as described in section 1904. The headlights must be illuminated:

A. During the period 1/2 hour after sunset to 1/2 hour before sunrise;

B. At any time when, due to insufficient light or unfavorable atmospheric conditions, including, but not limited to, rain, freezing rain, fog or snow, persons or vehicles on the way are not discernible for a distance of 1,000 feet ahead; and

C. At any time when windshield wipers are in constant use.

This subsection does not apply to a vehicle that is parked or standing off the main traveled portion of the way.

See title page for effective date.

CHAPTER 250

H.P. 1063 - L.D. 1501

An Act to Amend the Lobster Laws and Study the Issuance of Lobster and Crab Fishing Licenses Based on Income Derived from Commercial Fishing

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

Sec. 1. 12 MRSA §6421, sub-§5, ¶A, as amended by PL 1995, c. 568, §1, is repealed and the following enacted in its place:

A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year;

Sec. 2. 12 MRSA §6421, sub-§5, ¶B, as amended by PL 1995, c. 568, §1, is repealed.

Sec. 3. 12 MRSA §6421, sub-§5, ¶D, as amended by PL 1995, c. 568, §1, is repealed and the following enacted in its place:

D. Did not possess a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year because the commissioner had suspended the person's license privileges for a length of time that included the previous calendar year; or

Sec. 4. 12 MRSA §6421, sub-§5, ¶E, as amended by PL 1995, c. 568, §1, is repealed.

Sec. 5. 12 MRSA §6421, sub-§5, ¶F, as amended by PL 1995, c. 568, §1, is further amended to read:

F. Is 65 years of age or older and has held a lobster and crab fishing license; or

Sec. 6. 12 MRSA §6421, sub-§5, ¶G, as enacted by PL 1995, c. 568, §1, is repealed.

Sec. 7. 12 MRSA §6422, sub-§4, ¶¶A and B, as enacted by PL 1995, c. 468, §4, are amended to read:

A. Documents to the commissioner that the person obtained practical lobster fishing experience as a sternman employed by the holder of a Class II or Class III license issued under section 6421; or

B. Documents to the commissioner that the person obtained practical lobster fishing experience as a holder of a student license issued under section 6421; or