

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. 9. 30-A MRSA §4453 is enacted to read:

§4453. Certification for representation in court

The office shall establish certification standards and a program to certify familiarity with court procedures for the following individuals:

1. Code enforcement officers. Code enforcement officers as set forth in sections 4451 and 4452 and Title 38, section 441;

2. Plumbing inspectors. Plumbing inspectors as set forth in sections 4221 and 4451;

3. Department of Environmental Protection. Department of Environmental Protection employees as set forth in Title 38, section 342, subsection 7; and

4. Maine Land Use Regulation Commission. Maine Land Use Regulation Commission employees as set forth in Title 12, section 685-C, subsection 9.

Sec. 10. 38 MRSA §342, sub-§7, as corrected by RR 1993, c. 2, §37, is amended to read:

7. Representation in court. The commissioner may authorize certified employees of the department to serve civil process and represent the department in District Court in the prosecution of violations of those laws enforced by the department and set forth in Title 4, section 152, subsection 6. Certification of these employees ~~shall~~ must be provided as under Title 30-A, section ~~4221, subsection 2~~ 4453.

Sec. 11. 38 MRSA §441, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Certification; authorization by municipal officers. No person may serve as a code enforcement officer who is authorized by the municipal officers to represent the municipality in District Court unless ~~he~~ that person is currently certified under Title 30-A, section ~~4221, subsection 2~~ 4453, as being familiar with court procedures.

Upon written authorization by the municipal officers, a certified code enforcement officer may serve civil process on persons whom ~~he~~ that officer determines to be in violation of ordinances adopted pursuant to this chapter and, if authorized by the municipal officers, may represent the municipality in District Court in the prosecution of violations of ordinances adopted pursuant to this chapter.

See title page for effective date.

CHAPTER 297

H.P. 251 - L.D. 315

**An Act to Amend the Laws
Regarding Fees Charged in the Elver
Fishery**

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

Sec. 1. 12 MRSA §6505-A, sub-§4, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

4. Fees. Fees for elver fishing licenses are:

A. For a person who is a resident, ~~§33~~ §83; and

B. For a person who is a nonresident, ~~§334~~ §384.

Fifty dollars of each license fee collected under this subsection accrue to the Eel and Elver Management Fund established in section 6505-D.

Sec. 2. 12 MRSA §6505-A, sub-§5, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

5. Gear. ~~The A person issued a license under this section may utilize one elver fyke net, one Sheldon eel trap or one dip net to fish for or take elvers without paying the fee required for a first net or trap pursuant to section 6505-B. A license issued under this section must identify the number and types of nets for which that the license holder has paid fees may use pursuant to this section and section 6505-B.~~

Sec. 3. 12 MRSA §6505-B, sub-§1, ¶¶A and B, as enacted by PL 1995, c. 536, Pt. A, §8, are repealed and the following enacted in their place:

A. Fifty dollars per net or trap for the use of a first or 2nd elver fyke net or Sheldon eel trap, except that the fee under this paragraph does not apply to an elver fyke or Sheldon eel trap a person utilizes pursuant to section 6505-A, subsection 5. For the purposes of assessing fees under this subsection, an elver fyke net or Sheldon eel trap utilized pursuant to section 6505-A, subsection 5 is the first net or trap;

B. One hundred dollars per net or trap for the use of a 3rd elver fyke net or Sheldon eel trap; and

Sec. 4. 12 MRSA §6505-B, sub-§1, ¶C is enacted to read:

C. Two hundred dollars per net or trap for the use of a 4th and 5th elver fyke net or Sheldon eel trap.

Sec. 5. 12 MRSA §6505-B, sub-§3, as enacted by PL 1995, c. 536, Pt. A, §8, is amended to read:

3. Dip net fee. It is unlawful for a person to utilize a dip net to fish for or take elvers without paying a fee of ~~\$75~~ \$50 per dip net annually.

This subsection does not apply to a dip net a person utilizes pursuant to section 6505-A, subsection 5.

See title page for effective date.

CHAPTER 298

S.P. 524 - L.D. 1629

An Act to Include Possession of a Dangerous Weapon as Grounds for Expulsion of a Student

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

Sec. 1. 20-A MRSA §1001, sub-§9, ¶C, as enacted by PL 1993, c. 157, §1, is amended to read:

C. Who possesses on school property a firearm as defined in Title 17-A, section 2, subsection 12-A or a dangerous weapon as defined in Title 17-A, section 2, subsection 9 without permission of a school official;

See title page for effective date.

CHAPTER 299

S.P. 354 - L.D. 1173

An Act to Preserve Public Access to Governmental Information through Libraries Regardless of Format or Medium

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

Whereas, public access to public records is immediately threatened by changes in the way the information is prepared and distributed; 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. 1 MRSA §501-A, as repealed and replaced by PL 1987, c. 402, Pt. A, §2, is repealed and the following enacted in its place:

§501-A. Publications of state agencies

1. Definitions. As used in this section, the term "publications" includes periodicals; newsletters; bulletins; pamphlets; leaflets; directories; bibliographies; statistical reports; brochures; plan drafts; planning documents; reports; special reports; committee and commission minutes; informational handouts; and rules and compilations of rules, regardless of number of pages, number of copies ordered, physical size, publication medium or intended audience inside or outside the agency.

2. Production and distribution. The publications of all agencies, the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 to 46. The State Purchasing Agent may determine the style in which publications may be printed and bound, with the approval of the Governor.

3. Annual or biennial reports. Immediately upon receipt of any annual or biennial report that is not included in the Maine State Government Annual Report provided for in Title 5, sections 43 to 46, the State Purchasing Agent shall deliver at least 55 copies of that annual or biennial report to the State Librarian for exchange and library use. The State Purchasing Agent shall deliver the balance of the number of each such report to the agency that prepared the report.

4. State agency and legislative committee publications. Except as provided in subsection 5, any agency or legislative committee issuing publications, including publications in an electronic format, shall deliver 18 copies of the publications in the published format to the State Librarian. These copies must be furnished at the expense of the issuing agency. Publications not furnished upon request will be reproduced at the expense of the issuing agency. The agency or committee preparing a publication may determine the date on which a publication may be released, except as otherwise provided by law.

5. Electronic publishing. An agency or committee that electronically publishes information to the public is only required to provide the State Librarian with one printed copy of an electronically published publication. An electronically published publication is not required to be provided to the State