

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

effective date of this Act shall document to the Commissioner of Marine Resources by March 22, 1999 that that person complies with the provisions of the Maine Revised Statutes, Title 12, section 6505-A, subsections 2 and 6 and a nonresident who purchased an elver fishing license for the 1999 elver fishing season before the effective date of this Act must also document to the commissioner by March 22, 1999 that that person complies with the provisions of Title 12, section 6505-A, subsection 7. If that person fails to provide the documentation by March 22, 1999, that person's elver fishing license for the 1999 season is revoked and the Commissioner of Marine Resources shall refund to the person all license and gear fees paid by that person.

Sec. 18. Gear fees; refund. A person who purchased an elver fishing license for the 1999 elver fishing season before the effective date of this Act and who paid gear fees for a greater number of nets or traps than that person is authorized to use pursuant to the Maine Revised Statutes, Title 12, section 6575-B, subsection 2-A, shall return any extra tags issued pursuant to section 6505-B, subsection 2 and the Commissioner of Marine Resources shall refund to the person all gear fees paid by that person for gear that the person is not authorized to utilize.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 11, 1999.

CHAPTER 8

S.P. 46 - L.D. 117

An Act to Amend Maine's Insurance Laws Regarding Gifts and Rebates

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

Sec. 1. 24-A MRSA §2163-A, as enacted by PL 1997, c. 457, §41, is amended to read:

§2163-A. Permitted activities

Notwithstanding any other provision in sections 2160 to 2163, an insurer, employee of an insurer or producer may offer to give gifts in connection with marketing for the sale or retention of contracts of insurance provided the cost does not exceed \$20 per year per policy or quote, and conduct raffles or drawings, so long as there is no participation costs to entrants, in which case prizes may be valued in excess of \$20 but not more than \$100. Nothing in sections 2160 to 2163 may be construed to prohibit an insurance producer from receiving a fee rather than

commission on the sale of property and casualty insurance in accordance with section 1450 and rules adopted by the superintendent.

Gifts and prizes given pursuant to this section may not be in the form of cash, check or other cash equivalent.

See title page for effective date.

CHAPTER 9

H.P. 46 - L.D. 60

An Act to Permit the Sale of Moose Bones

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

Whereas, the 90-day period may not terminate in time to sell products at spring fairs; 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 §7464, sub-§9, ¶A, as amended by PL 1985, c. 369, §21, is further amended to read:

A. Notwithstanding subsection 8, the head, antlers, bones, feet and hide of any moose may be sold.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective March 11, 1999.

CHAPTER 10

S.P. 55 - L.D. 125

An Act to Lower the Age of Consent for the Donation of Blood

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

Sec. 1. 22 MRSA §1502-A is enacted to read:

§1502-A. Consent to give blood

A minor may consent to give blood if the minor is at least 17 years of age, notwithstanding any other provision of law.

See title page for effective date.

CHAPTER 11

S.P. 60 - L.D. 130

An Act to Prevent Children from Acquiring Gunpowder

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

Sec. 1. 17-A MRSA §554, sub-§1, ¶B, as amended by PL 1995, c. 694, Pt. C, §3 and affected by Pt. E, §2, is further amended to read:

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, cigarettes, tobacco, air rifles, gunpowder, smokeless powder or ammunition for firearms;

Sec. 2. 17-A MRSA §554, sub-§2, ¶C, as amended by PL 1995, c. 263, §2, is further amended to read:

C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished a child under 16 years of age an air rifle, gunpowder, smokeless powder or ammunition for a firearm for use in a supervised manner.

See title page for effective date.

CHAPTER 12

S.P. 238 - L.D. 660

An Act to Include Counties in the Definition of Local Government in the Archives and Records Management Law

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

Sec. 1. 5 MRSA §92-A, sub-§2-A, as enacted by PL 1995, c. 148, §3, is amended to read:

2-A. Local government. "Local government" means a municipality, county, school district or other special-purpose district or multi-purpose district.

See title page for effective date.

CHAPTER 13

H.P. 544 - L.D. 765

An Act to Make Materiality a Jury Issue Relative to the Crime of Perjury

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

Sec. 1. 17-A MRSA §451, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

~~2. Whether a statement is material is a question of law to be determined by the court.~~ In a prosecution under subsection 1, paragraph B, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant person to be true.

See title page for effective date.

CHAPTER 14

H.P. 380 - L.D. 511

An Act to Increase the Amount Below Which Counties Do Not Need to Solicit Bids for Purchases

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

Sec. 1. 30-A MRSA §124, last ¶, as amended by PL 1989, c. 785, §4, is further amended to read:

Except for purchases through the State, the county commissioners shall make all purchases over ~~\$1,000~~ \$2,500 of services, supplies, materials and equipment needed by the county, or any department or agency of the county, by competitive bidding. Title 5, chapter 155, subchapter I-A governs these purchases as far as applicable. Title 5, section 1825-B, subsection 2, paragraph A₇ governs purchases through the State.

See title page for effective date.