

MAINE STATE LEGISLATURE

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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

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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

CHAPTER 47

H.P. 86 - L.D. 99

**An Act to Require Auctions for
Confiscated Firearms****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 25 MRSA §3503-A**, as enacted by PL 1983, c. 254, §2, is amended to read:**§3503-A. Disposal of firearms and ammunition**

Notwithstanding any other provision of this chapter, a police department or other law enforcement agency retaining firearms and ammunition covered by this chapter, Title 15, section 3314 or chapter 517, or Title 17-A, section 1158 may auction the firearms to ~~federally licensed firearms~~ federally licensed firearms dealers or the public, use the firearms and ammunition for training purposes or destroy the firearms and ammunition.

See title page for effective date.

CHAPTER 48

H.P. 770 - L.D. 1093

**An Act to Provide Farm
Cooperatives More Flexibility in
Establishing Officers and Using
Titles for Various Officers****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 13 MRSA §1873** is amended to read:**§1873. Officers**

The board shall elect ~~a president, a secretary and a treasurer, and may elect one or more vice presidents, and such other one or more~~ officers as may be authorized in the bylaws. ~~The president and at least one of the vice presidents must be members and directors, but a vice president who is not a director cannot succeed to or fill the office of president. Any 2 of the offices of vice president, secretary and treasurer may be combined in one person. The bylaws of each cooperative must provide for one or more officers, including the qualifications for and the titles of those officers.~~

See title page for effective date.

CHAPTER 49

H.P. 416 - L.D. 558

**An Act to Clarify the Membership of
the Somerset County Budget
Committee****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 30-A MRSA §896, sub-§1**, as enacted by PL 1993, c. 582, §1, is amended to read:

1. Municipal representatives. Prior to September 15th each year, municipal officers within each commissioner district shall caucus and elect members from that district for terms as provided in paragraph A. There must be 3 members from each commissioner district, 2 of whom are municipal officers and one of whom is a municipal official who is not a municipal officer as defined in section 2001. No more than one member may represent the same municipality at one time.

A. Members serve for 3-year terms, except that initially each district caucus selects one member for a one-year term, one member for a 2-year term and one member for a 3-year term. If a budget committee member ceases to be a municipal officer or official during the term of membership, that member shall resign the membership and the next district caucus shall elect a qualified municipal officer or official to fill the membership for the remainder of the unexpired term.

See title page for effective date.

CHAPTER 50

H.P. 438 - L.D. 601

**An Act to Clarify the Duty of
Insurance Agencies to Keep Records****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 24-A MRSA §1447, sub-§1**, as enacted by PL 1997, c. 457, §23 and affected by §55, is amended to read:

1. Records. The insurance producer or agency shall keep or make accessible at the producer's or agency's place of business a copy of the written appointment or designation from each insurer, health maintenance organization, fraternal benefit society or nonprofit hospital or medical service organization with which the insurance producer or agency has an

appointment. The insurance producer or agency shall keep at the producer's or agency's place of business complete records of transactions under the license. If a producer engages in transactions on behalf of an agency and subsequently maintains a different place of business, the agency shall maintain the records of those transactions. If a producer engages in transactions independent of any agency, the producer shall maintain the records of those transactions. For the purpose of examination or investigation by the superintendent, records may be maintained in electronic form. As to each insurance policy or contract placed through or sold by the licensee, the records must show:

- A. The names of the insurer, health maintenance organization, fraternal benefit society or non-profit hospital or medical service organization;
- B. The number and expiration date of the policy or contract;
- C. The premium payable as to the policy or contract;
- D. The name and address of the insured;
- E. The date and time of every binder made by the insurance producer; and
- F. Such other information as the superintendent may reasonably require.

See title page for effective date.

CHAPTER 51

H.P. 582 - L.D. 822

An Act to Rename the Harassment Based on Characteristic Law

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

Sec. 1. 17 MRSA c. 93-C is amended by repealing the chapter headnote and enacting in its place the following:

CHAPTER 93-C

INTERFERENCE WITH CONSTITUTIONAL AND CIVIL RIGHTS

Sec. 2. 17 MRSA §2931, first ¶, as amended by PL 1987, c. 695, §5, is further amended to read:

~~No~~ A person may not, by force or threat of force, intentionally injure, intimidate or interfere with, or intentionally attempt to injure, intimidate or interfere

with or intentionally oppress or threaten any other person in the free exercise or enjoyment of any right or privilege, secured to ~~him~~ that person by the Constitution of Maine or laws of the State or by the United States Constitution or laws of the United States.

See title page for effective date.

CHAPTER 52

S.P. 283 - L.D. 801

An Act to Strengthen Marine Fisheries Conservation Protection

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

Sec. 1. 15 MRSA §891, as amended by PL 1995, c. 694, Pt. D, §22 and affected by Pt. E, §2, is further amended to read:

§891. Dismissal on satisfaction of private injury; discharge of bail

When a person has been admitted to bail or is committed by a judge, or is indicted or held upon a complaint and warrant for an assault or other Class D or E crime, as defined by Title 17-A, section 4-A, for which the party injured has a remedy by civil action, except aggravated assaults, assaults upon or resistance of a law enforcement officer as defined by Title 17-A in the execution of a law enforcement officer's duty, assaults of those officers ~~and~~ crimes involving family or household members as defined in Title 19-A, chapter 101, and molesting lobster gear pursuant to Title 12, chapter 619, if the injured party appears before the judge or court, and in writing acknowledges satisfaction for the injury, the court, on payment of all costs, may stay further proceedings and discharge the defendant. The judge may exonerate the bail and release the obligors, supersede the commitment by written order and exonerate the bail of the witnesses.

See title page for effective date.

CHAPTER 53

H.P. 286 - L.D. 394

An Act Regarding Hunting Implements

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

Sec. 1. 12 MRSA §7406, sub-§17, ¶K, as enacted by PL 1979, c. 420, §1, is amended to read: