

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

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

Sec. 1. 32 MRSA §1451, first ¶, as amended by PL 1993, c. 600, Pt. A, §105, is further amended to read:

The State Board of Funeral Service, as established by Title 5, section 12004-A, subsection 18, and in this chapter called the "board," consists of 8 members, ~~6~~ 5 of whom must be persons licensed for the practice of funeral service for 10 consecutive years or who have had 10 consecutive years' experience as a practitioner of funeral service in this State immediately preceding their appointment and ~~2~~ 3 of whom must be representatives of the public. Members are appointed by the Governor for a term of 4 years. A national organization of retired persons may submit a list of applicants to the Governor for use in the selection process of one of the members representing the public. Appointments of members must comply with section 60. A board member may be removed by the Governor for cause.

Sec. 2. Effective date. This Act takes effect January 1, 2000.

Effective January 1, 2000.

CHAPTER 92

S.P. 233 - L.D. 655

An Act to Increase the Penalty for Failure to Yield the Right-of-way to a Visually Impaired Pedestrian

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

Sec. 1. 29-A MRSA §2056, sub-§9 is enacted to read:

9. Failure to yield right-of-way to a visually impaired pedestrian. Notwithstanding other provisions of this section, an operator who fails to yield the right-of-way to a visually impaired pedestrian who is carrying a cane that is predominately white or metallic in color, with or without a red tip, or using a guide or personal care dog as defined in Title 17, section 1312, commits a traffic infraction. Notwithstanding section 103, subsection 3, the fine for a violation of this subsection may not be less than \$50 nor more than \$1,000.

See title page for effective date.

CHAPTER 93

H.P. 461 - L.D. 624

An Act to Require Public Hearings for School Administrative District Referenda

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. 20-A MRSA §1352, sub-§1, ¶C, as amended by PL 1989, c. 414, §5, is further amended to read:

C. The warrants and other notices for the referendum ~~shall~~ must be in the same manner as provided in Title 21-A, except that the district board of directors shall hold a public hearing at least 7 days before the referendum vote. At least 7 days before the public hearing, the board of directors shall give notice of the public hearing by having a copy of the proposed referendum, together with the time and place of hearing, posted in the same manner required for posting a warrant under this section.

See title page for effective date.

CHAPTER 94

H.P. 651 - L.D. 901

An Act to Amend the Laws Regarding the Scallop Fishing Season and Scallop Fishing Gear Requirements

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

Sec. 1. 12 MRSA §6722, as amended by PL 1983, c. 685, is further amended to read:

§6722. Closed areas

Unless modified by regulation adopted under section 6171-A, it is unlawful to fish for or take scallops in the coastal waters from April 16th to ~~October 31st~~ November 30th, both days inclusive.

Sec. 2. 12 MRSA §6726, sub-§1, as enacted by PL 1997, c. 281, §1, is amended to read:

1. Minimum size. It is unlawful to utilize a drag to fish for or take scallops in the coastal waters with rings that measure less than:

A. ~~From November 1, 1997 to April 15, 1999, 3 inches in diameter;~~

B. ~~From November~~ December 1, 1999 to April 15, ~~2001~~ 2000, 3 1/4 inches in diameter; and

C. On ~~November~~ December 1, ~~2001~~ 2000 and thereafter, 3 1/2 inches in diameter.

Sec. 3. 12 MRSA §6727, sub-§1, as enacted by PL 1997, c. 281, §1, is repealed.

Sec. 4. 12 MRSA §6727, sub-§2, as enacted by PL 1997, c. 281, §1, is amended to read:

2. Open season. It is unlawful ~~from December 1st to April 15th~~ for a person to possess on any vessel fishing for scallops in the coastal waters, or to utilize when fishing for or taking scallops in the coastal waters, a drag or any combination of drags that measures in excess of 10 feet, 6 inches across from one extreme outside edge of the mouth of the drag or combination of drags to the opposite extreme outside edge.

See title page for effective date.

CHAPTER 95

S.P. 280 - L.D. 798

An Act to Permit Local Control and Funding of An Educational Building in Accordance With a Municipal Charter

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

Sec. 1. 20-A MRSA §15905-A, sub-§3, as enacted by PL 1991, c. 655, §10, is amended to read:

3. Local vote. Prior to approval by the commissioner, each nonstate funded project, except a municipal school construction project pursuant to subsection 4, must receive a favorable vote in accordance with section 15904, except that section 15904, subsection 4 does not apply.

Sec. 2. 20-A MRSA §15905-A, sub-§4 is enacted to read:

4. Municipal schools. In a municipal school unit where the responsibility for final adoption of the

school budget is vested in the municipal council by municipal charter, a nonstate funded project may be approved without a referendum vote if the charter does not require a referendum.

See title page for effective date.

CHAPTER 96

S.P. 301 - L.D. 874

An Act to Remove Certain Records Concerning Minors From the Definition of "Public Records"

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

Sec. 1. 1 MRSA §402, sub-§3, ¶I, as amended by PL 1995, c. 608, §4, is further amended to read:

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶J, as enacted by PL 1995, c. 608, §5, is amended to read:

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization; ~~and~~

Sec. 3. 1 MRSA §402, sub-§3, ¶K is enacted to read:

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or non-mandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A.

See title page for effective date.