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OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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J.S. McCarthy Company
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1999

CHAPTER 217

S.P. 259 - L.D. 754

An Act to Amend the Laws Establishing a State Poet Laureate

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

Sec. 1. 5 MRSA §12004-I, sub-§5-A, as enacted by PL 1995, c. 264, §1, is amended to read:

5-A. Culture	State Poet Laureate Advisory Selection ~~Advisory Panel~~ Committee	Not Authorized	27 MRSA §421

Sec. 2. 27 MRSA §421, as enacted by PL 1995, c. 264, §3, is repealed and the following enacted in its place:

§421. Honorary office created

1. Appointment. During Maine Cultural Heritage Week as established in Title 1, section 118, the Governor shall appoint a poet to serve as State Poet Laureate, nominated by an advisory selection committee created in subsection 3-A.

2. Term. The State Poet Laureate is appointed for a 5-year term and may be reappointed for a 2nd term. An individual may serve as State Poet Laureate for no more than 2 consecutive terms, but may be reappointed after a break in service.

3-A. Advisory selection committee. The State Poet Laureate Advisory Selection Committee as established in Title 5, section 12004-I, subsection 5-A, referred to in this subchapter as the "advisory selection committee," is created in accordance with the following provisions.

A. The Maine Arts Commission shall assemble an advisory selection committee of no more than 5 members with expertise in poetry. The Director of the Maine Arts Commission and the Director of the Maine State Library or their delegates shall cochair this advisory selection committee.

B. Five months prior to the expiration of the State Poet Laureate's tenure, the advisory selection committee shall advertise in the appropriate media for nominations of potential candidates. By March 1st of the year in which the term of a poet laureate is due to end, the advisory selection committee shall recommend one name to the Governor for appointment as the State Poet Laureate.

C. If a vacancy occurs within the term of the State Poet Laureate, the advisory selection committee shall select as soon as possible a nominee for appointment by the Governor to fill the remainder of the term.

D. Members of the advisory selection committee are not entitled to per diem or compensation for expenses.

4. Eligibility. The individual appointed State Poet Laureate must be a poet who is a resident of the State and must have published distinguished poetry.

Sec. 3. 27 MRSA §423 is enacted to read:

§423. Display of work

Upon the request of a State Poet Laureate, space must be made available at the State House complex for the public display of the State Poet Laureate's work.

Sec. 4. Transition provision. The State Poet Laureate on the effective date of this Act shall continue to serve out the one-year term for which the State Poet Laureate was appointed.

See title page for effective date.

CHAPTER 218

S.P. 762 - L.D. 2152

An Act to Amend the Laws Governing Financial Institutions

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

Sec. 1. 9-B MRSA §161, sub-§2, ¶I, as amended by PL 1997, c. 453, §1, is further amended to read:

I. Any disclosure of records made pursuant to Title 22, section 16, 17~~, 3477~~ or 4314;

Sec. 2. 9-B MRSA §241, sub-§1, ¶A, as enacted by PL 1975, c. 500, §1, is amended to read:

A. The superintendent ~~shall have~~ has the power to ~~promulgate~~ adopt rules ~~and regulations~~, in accordance with section 251, defining, limiting or proscribing acts and practices ~~which~~ that, when engaged in by a financial institution authorized to do business in this State or its subsidiaries, by a credit union authorized to do business in this State or by a financial institution holding com-

pany or its subsidiaries, are ~~deemed~~ determined to be anticompetitive, unfair, deceptive~~,~~ or otherwise injurious to the public interest.

Sec. 3. 9-B MRSA §241, sub-§4, as enacted by PL 1985, c. 311, §5, is amended to read:

4. Attorneys. Every financial institution authorized to do business in this State ~~which~~ and every credit union authorized to do business in this State that accepts an application for a residential mortgage loan for one to 4 residential units and ~~which~~ that requires that an attorney search the title of the subject real estate shall permit the prospective mortgagor to select a qualified attorney of ~~his own~~ the mortgagor's choice to search the title of the subject real estate and certify that title to the institution or land title insurance company, ~~provided~~ except that the ~~financial~~ institution may require the prospective mortgagor's attorney to provide it with evidence of adequate liability insurance or land title insurance or such other written policy requirements as the ~~financial~~ institution may ~~deem~~ determine necessary to protect its interests, ~~provided that~~ as long as, if all ~~such~~ requirements are met by the attorney chosen by the mortgagor, ~~no~~ additional legal costs may not be assessed by the financial institution or credit union against the mortgagor for review of the title search or any other relevant title documents by the ~~financial~~ institution, its title company or attorney.

Every financial institution and credit union subject to this subsection shall provide written notice to the prospective mortgagor that ~~he~~ the mortgagor has the right to select a qualified attorney of ~~his own~~ the mortgagor's choice for the performance of title work. The notice ~~shall~~ must inform the prospective mortgagor that, if the attorney chosen by the mortgagor meets the financial institution's requirements, ~~then no~~ additional fees may not be charged to the mortgagor for title work. If the prospective mortgagor indicates on the written notice that ~~he~~ the mortgagor does not wish to exercise ~~his~~ the mortgagor's right to select an attorney, then the ~~financial~~ institution may recommend an attorney.

~~Nothing in this~~ This subsection may not be construed to require certification of title to a financial institution or credit union if that institution does not so require~~,~~ or to a land title insurance company if that company does not so require.

Any violation of this section by a financial institution authorized to do business in this State or credit union authorized to do business in this State is an anticompetitive or deceptive practice as defined in this chapter and subject to the remedies provided in this chapter in addition to such other remedies as may be provided otherwise by law.

Sec. 4. 9-B MRSA §241, sub-§5, as enacted by PL 1985, c. 561, is amended to read:

5. Availability of funds for items deposited. With respect to items deposited into an account, financial institutions authorized to do business in this State and credit unions authorized to do business in this State shall make those funds available for withdrawal from that account within a reasonable time. The superintendent may ~~promulgate~~ adopt rules setting forth limitations and disclosure requirements governing funds availability. For purposes of this section, account means a checking account or any other transactional account, a savings account or a time account. If a federal law or regulation governing availability of funds is in effect, rules ~~promulgated~~ adopted under this subsection ~~shall~~ may not be ~~no~~ more restrictive with respect to time periods in which funds must be available for withdrawal than those federal laws or regulations.

Sec. 5. 9-B MRSA §241, sub-§11, as enacted by PL 1997, c. 315, §13, is amended to read:

11. Choice of insurance producer. A financial institution authorized to do business in this State or credit union authorized to do business in this State, or a financial institution holding company or an affiliate of a financial institution holding company that is authorized to do business in this State as insurance ~~agent or broker~~ producer under section 448, or pursuant to applicable federal law, and Title 24-A to negotiate or sell insurance products to purchasers or borrowers may not, in connection with the extension of credit, interfere with a purchaser's or borrower's free choice of insurance ~~agent~~ producer, consultant or company under applicable provisions contained in Title 24-A.

Any violation of this subsection is an anticompetitive or deceptive practice under this chapter and is subject to the remedies provided in this chapter in addition to those remedies otherwise provided by law.

This subsection does not apply to group health and group life insurance to the extent authorized by Title 24-A, chapters 31 and 35 when the insured is enrolled in the insurance policy, credit life and health insurance to the extent authorized by Title 24-A, chapter 37, credit property insurance, credit involuntary unemployment insurance, forced placed property insurance, a vendor's single interest policy or any other insurance product as determined by the Superintendent of Insurance.

Sec. 6. 9-B MRSA §242, sub-§1, as enacted by PL 1975, c. 500, §1, is amended to read:

1. Rules. The superintendent ~~shall have~~ has authority to ~~promulgate~~ adopt rules ~~and regulations~~, pursuant to section 251, defining, limiting or proscrib-

ing advertising ~~of any kind~~ by a financial institution authorized to do business in this State, a credit union authorized to do business in this State, an association of such ~~financial~~ institutions~~,~~ or a financial institution holding company, or representations made ~~thereby~~ by those institutions, ~~which~~ that is false, misleading or deceptive.

Sec. 7. 9-B MRSA §243, sub-§1, as amended by PL 1997, c. 315, §15, is further amended to read:

1. Prohibition. A financial institution authorized to do business in this State or a credit union authorized to do business in this State may not in any manner extend credit, lease or sell property, or furnish any service, or fix or vary the consideration for any of the foregoing on the condition, agreement, requirement or understanding:

A. That the customer obtain some additional or other credit, property or other service from such financial institution other than a loan, discount, deposit or trust service. This paragraph does not prohibit a tie-in involving insurance products that is permitted under Title 24-A;

B. That the customer obtain some additional or other credit, property~~,~~ or service from a subsidiary of such financial institution, a financial institution holding company of such financial institution~~,~~ or from any other subsidiary of such financial institution holding company;

C. That the customer provide some additional or other credit, property~~,~~ or service to such financial institution, other than those related to and usually provided in connection with a loan, discount, deposit~~,~~ or trust service;

D. That the customer provide some additional or other credit, property or service to a subsidiary of such financial institution, a financial institution holding company of such financial institution~~,~~ or from any other subsidiary of such financial institution holding company; or

E. That the customer may not obtain some additional or other credit, property~~,~~ or service from a competitor of such financial institution, a subsidiary of a competitor financial institution, a financial institution holding company of a competitor financial institution~~,~~ or any other subsidiary of such competitor financial institution holding company, other than a condition or requirement that such financial institution shall reasonably impose in a credit transaction to assure the soundness of the credit.

Sec. 8. 9-B MRSA §243-A, sub-§1, as enacted by PL 1991, c. 680, §1, is amended to read:

1. Fees for use of terminals. A financial institution authorized to do business in this State or a credit union authorized to do business in this State that operates electronic terminals may charge fees for the use of the terminals as specified in this section.

A. A financial institution may charge a reasonable foreign transaction fee for the use of an electronic terminal if the fee is disclosed:

(1) On a sign posted on the electronic terminal or in clear view of a customer while viewing the electronic terminal; or

(2) Electronically during the course of the transaction in a manner that permits a customer to cancel the transaction without incurring the transaction fee.

For the purposes of this paragraph, "foreign transaction fee" means a fee charged for the use of an electronic terminal to a noncustomer of the financial institution that owns the electronic terminal.

B. A financial institution may charge its own customers a reasonable fee for the use of an electronic terminal.

Sec. 9. 9-B MRSA §243-A, sub-§3, as amended by PL 1999, c. 25, §1, is further amended to read:

3. Agreement to share electronic terminals. An agreement to share electronic terminals may not prohibit, limit or restrict the right of a financial institution authorized to do business in this State or a credit union authorized to do business in this State to charge a customer any fees allowed by state or federal law, or require a financial institution to limit or waive its rights or obligations under this section, except that a financial institution or credit union authorized to do business in this State may mutually agree with one or more other financial institutions or credit unions not to charge foreign transaction fees, as that term is defined in subsection 1, to the customers or members of those financial institutions or credit unions that are parties to the agreement.

Sec. 10. 9-B MRSA §316-A, sub-§1, as enacted by PL 1997, c. 398, Pt. C, §15, is amended to read:

1. Number of directors. The governing body of a financial institution must consist of at least 5 directors, except that the superintendent may approve fewer directors for good cause shown.

Sec. 11. 9-B MRSA §332, sub-§2, as amended by PL 1997, c. 398, Pt. E, §1, is repealed.

Sec. 12. 9-B MRSA §332, sub-§2-A is enacted to read:

2-A. Superintendent's approval. A financial institution may not establish a branch or agency office without the prior approval of the superintendent.

A. For a branch being established in the State by a financial institution, approval must be obtained pursuant to section 336, except that a financial institution that meets the minimum standards set forth in section 412-A or 832 and any rules adopted pursuant to these sections and is not under an enforcement action that requires the superintendent's prior approval of a branch establishment may establish a branch in this State without the prior approval of the superintendent. If the superintendent's approval is not required, the financial institution shall inform the superintendent at least 10 days prior to the proposed action. This notice must be accompanied by a recording fee not to exceed $100.

B. For a branch being established by a financial institution outside of this State, but not in a foreign country, approval must be obtained pursuant to chapter 37 and section 336.

C. For a branch being established by a financial institution outside of this State and in a foreign country, approval must be obtained pursuant to section 336.

Sec. 13. 9-B MRSA §336, sub-§1, as amended by PL 1997, c. 398, Pt. E, §5, is further amended to read:

1. Notification required; application upon request. If the superintendent's approval is required pursuant to section 332, subsection ~~2~~ 2-A or section 335, subsection 1, at least 30 days prior to the relocation of a main office or the establishment, moving or closing of a branch or agency office authorized by this chapter, the institution shall notify the superintendent of the proposed action. A complete application for the branch establishment, moving or closing may be required only when the superintendent requests that a complete application be filed. Within 30 days of the notice, any interested person may request that the superintendent require a complete application. If the superintendent denies any interested person's request for a complete application, the denial must be in writing with the reasons for denial. The notification, or the application if requested, must be filed with the superintendent in the form and manner and containing information the superintendent may prescribe. If no application is requested within the 30-day period, the change is deemed approved. A fee must accompany the notification in an amount established by the superintendent but not to exceed 1/2 of the application fee.

Sec. 14. 9-B MRSA §338, sub-§1, as amended by PL 1997, c. 398, Pt. E, §9, is further amended to read:

1. Permissible operating hours. A financial institution authorized to do business in the State may permit any of its branch offices, facilities~~,~~ or walk-up or drive-up windows of its main office or branch offices to remain open, or open for limited functions only, during such hours as it may determine from time to time. Any hours in which said branch office, facility~~,~~ or walk-up or drive-up window of its main office or branch office is open for limited functions only after its main office is closed are, with respect to such institution, ~~a holiday and~~ not considered to be part of a business day.

Sec. 15. 9-B MRSA §341, sub-§2, as amended by PL 1997, c. 398, Pt. F, §1, is further amended to read:

2. Fees. An application made pursuant to section 342, subsection 1~~,~~ or 2 ~~or 6~~ or section 342-A, 343, 344, 345 or 345-A may not be ~~deemed~~ considered complete by the superintendent unless accompanied by an application fee payable to the Treasurer of State to be credited and used as provided in section 214. The amount of the fee must be established by the superintendent according to different application requirements, but in no instance may it exceed $2,000.

Sec. 16. 9-B MRSA §341, sub-§3, as enacted by PL 1997, c. 398, Pt. F, §1, is amended to read:

3. Superintendent's approval. Following approval by the governing body for changes under section 342, ~~subsections~~ subsection 1~~,~~ or 2 ~~or 6~~ or section 342-A, 343, 344 or 345, the financial institution shall forward to the superintendent for approval or disapproval, pursuant to the procedures and requirements of section 252, a certified copy of the authorizing resolution adopted by the governing body and such other information as considered necessary by the superintendent. If the superintendent disapproves the conversion plan, the superintendent shall state the reasons for the disapproval in writing and furnish them to the institution. The institution must be given an opportunity to amend the conversion plan to obviate the reasons for disapproval.

Sec. 17. 9-B MRSA §342, sub-§1, as amended by PL 1997, c. 398, Pt. F, §2, is further amended by amending the first paragraph to read:

1. Federal savings bank or savings and loan to state financial institution. Any federal association or federal savings bank may convert to a financial institution organized under the laws of this State in the following manner. A federal savings bank or savings and loan association converting to a financial

institution organized under the laws of this State may continue to use the designation "Federal" or "FSB" or derivatives of "Federal" or "FSB" in its corporate title, as long as the converted federal savings bank or savings and loan association also uses the designation "state association" or "S.A." in its corporate title.

Sec. 18. 9-B MRSA §342, sub-§2, as amended by PL 1997, c. 398, Pt. F, §2, is further amended to read:

2. National bank to financial institution. A national bank may convert to a financial institution organized under the laws of this State in the following manner. A national bank converting to a financial institution organized under the laws of this State may continue to use the designation "National" or "NA" or derivatives of "National" or "NA" in its corporate title, as long as the converted national bank also uses the designation "state association" or "S.A." in its corporate title.

A. The national bank must comply with the conditions and limitations imposed by the laws of the United States governing the conversion.

B. The converting national bank may apply for a State charter by filing with the superintendent an application signed by its president and by a majority of its governing body setting forth the corporate action taken in compliance with the laws of the United States in paragraph A~~,~~ and affixing to the application the organizational documents governing the bank as a financial institution.

D. The rights of dissenting investors of a converting national bank are governed by federal law.

Sec. 19. 9-B MRSA §364, sub-§1, as amended by PL 1997, c. 398, Pt. H, §3, is further amended to read:

1. Application to court. Whenever, in the opinion of the superintendent and a majority of the governing body of any financial institution or in the opinion of 3/4 of its depositors, members or investors or more if required by the institution's organizational documents, it is inexpedient for any reason for the institution to continue the further prosecution of its business, the governing body may join with the superintendent in an application to the Superior Court for liquidation of the affairs of the institution, or the depositors, members or investors may file such an application with the concurrence of the superintendent.

Sec. 20. 9-B MRSA §427, sub-§7, as enacted by PL 1975, c. 540, §1, is amended to read:

7. Transfer of deposit or account. A depositor may transfer, absolutely or conditionally, ~~his~~ that depositor's deposit or account to any other person, subject to any provisions affecting such deposit or account pursuant to this chapter ~~or Parts 5, 6 or 7,~~ by a written assignment in a form approved by the institution, accompanied by delivery of the evidence of the deposit or account. Evidence of the deposit or account ~~shall mean~~ means the membership certificate, share certificate, account book, passbook~~,~~ or any other evidence of the deposit or account ~~which may have~~ that has been issued in connection with such deposit or account. Every such transfer of a deposit or account ~~shall be deemed~~ is considered to include the deposit or account and the evidence of the deposit or account issued in connection ~~therewith~~ with the deposit or account. ~~No such~~ An absolute transfer ~~shall be~~ is not effective against an institution until such written assignment and the accompanying evidence of the deposit or account ~~shall be~~ are delivered to the institution with a request that it complete such transfer upon its records. ~~No such~~ A conditional transfer ~~shall be~~ is not effective against an institution unless and until it actually receives notice ~~thereof~~ of the conditional transfer in writing.

Sec. 21. 9-B MRSA §446-A, sub-§1, ¶¶A to F, as enacted by PL 1997, c. 398, Pt. I, §35, are amended to read:

A. Before and immediately after the proposed transaction, the ~~acquiring~~ financial institution is well capitalized as determined by the superintendent;

B. At the time of the transaction, the ~~acquiring~~ financial institution is well managed, which means that in connection with the financial institution's most recent examination:

(1) The financial institution received a composite rating of one or 2 pursuant to the uniform financial institution rating system adopted by the Bureau of Banking; and

(2) The financial institution received at least a satisfactory rating for management;

C. The book value of the total assets to be acquired does not exceed 15% of the consolidated total risk-weighted assets of the ~~acquiring~~ financial institution;

D. The consideration to be paid for the securities or assets to be acquired does not exceed 15% of the consolidated capital of the ~~acquiring~~ financial institution;

E. During the 12-month period prior to the proposed transaction, the ~~acquiring~~ financial institu-

tion has not been under an enforcement action nor is there an enforcement action pending;

F. The ~~acquiring~~ financial institution provides written notification to the superintendent not later than 10 business days after consummating the transaction; and

Sec. 22. 9-B MRSA §446-A, sub-§4 is enacted to read:

4. Application or notice fee. An application or notice required under subsection 1 is not complete unless accompanied by a fee to be credited and used as provided in section 214. The superintendent shall establish the amount of the fee, which may not exceed $2,500.

Sec. 23. 9-B MRSA §448, sub-§§1, 4 and 5, as enacted by PL 1997, c. 315, §17, are amended to read:

1. Authorization. A financial institution authorized to do business in this State or credit union authorized to do business in this State, or financial institution holding company, or an affiliate of either, other than a licensed supervised lender regulated under Title 9-A, Article IV, Part 4, may act as an ~~agent, broker~~ insurance producer or consultant in this State and may employ, affiliate with or hire as a 3rd-party agent an insurance ~~agent or agency, broker~~ producer or consultant, if the ~~agent, agency, broker~~ producer or consultant is duly licensed under Title 24-A or ~~engage~~ engages in authorized insurance activities in another state, if the ~~agent, agency, broker~~ producer or consultant complies with the applicable laws of that state.

4. Distinguishing insurance products from loan or deposit products; identification of insurance producers. To the extent practicable, sales of insurance products authorized by this section must take place in a manner that minimizes customer confusion between the deposit, share or loan products offered by the institution and those insurance products. An institution authorized under subsection 1 is in compliance with this subsection if it utilizes signs clearly visible to its customers that distinguish its insurance products from its deposit, share or loan products and that adequately identify insurance ~~agents, brokers~~ producers and consultants affiliated with the institution.

5. Rulemaking. The superintendent, Superintendent of Insurance and the Director of the Office of Consumer Credit Regulation are authorized, pursuant to this subsection, Title 9-A, section 4-407 and Title 24-A, section ~~1514-A~~ 1443-A, subsection ~~5~~ 3 to undertake joint rulemaking to carry out the purpose of subsection 4, including issues regarding signs, the physical location of sales of insurance and identification of ~~agents and brokers~~ producers affiliated with financial institutions, credit unions, financial institution holding companies or supervised lenders. In adopting rules pursuant to this section, the superintendent, the Superintendent of Insurance and the Director of the Office of Consumer Credit Regulation shall consider the possibility of confusion and perception of coercion among the insurance consuming public, the need for cost-effective delivery of insurance products to insurance consumers and the importance of parity among ~~agents and brokers~~ producers affiliated with federally chartered and state-chartered financial institutions and credit unions. Any rule adopted may not interfere significantly with the ability of ~~an agent or broker~~ a producer to solicit or negotiate the sale of an insurance product, whether or not that ~~agent or broker~~ producer is affiliated with a financial institution, credit union, financial institution holding company or supervised lender, except when no other reasonable alternative exists to protect the insurance consuming public. Rules adopted under this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A. Nothing in this section is intended to restrict or interfere with the ability of the bureau, the Bureau of Insurance or the Office of Consumer Credit Regulation to adopt rules with respect to areas in which the respective agencies have independent jurisdiction.

Sec. 24. 9-B MRSA §461, as enacted by PL 1975, c. 500, §1, is amended to read:

§461. Applicability of chapter

The provisions of this chapter setting forth acts and practices ~~which~~ that are prohibited ~~shall~~ apply to all financial institutions, savings banks, trust companies, savings and loan associations, universal banks, limited purpose banks, credit unions and financial institution holding companies subject to the laws of this State and ~~shall be~~ are in addition to the prohibitions set forth elsewhere in this Title.

Sec. 25. 9-B MRSA §814, sub-§1, as amended by PL 1995, c. 101, §§1 and 2, is further amended to read:

1. Field of membership. "Field of membership" of a credit union means those persons having a common bond of occupation or association; multiple groups of such persons, each group having a common bond of occupation or association within that group; residence or employment within a well-defined neighborhood, community or rural district; employment by a common employer or by employers located within a well-defined industrial park or community; membership in a bona fide fraternal, religious, cooperative, labor, rural, educational or similar organization; and members of the immediate families of such persons.

A. When determining whether a credit union's proposed field of membership meets the requirements of this section, the superintendent shall consider all guidelines established by the National Credit Union Administration that address the issues of common bond, overlapping fields of membership, expansions or conversions of field of membership and the documentation required for amending a field of membership.

B. The superintendent shall provide notice to interested parties of a bylaw amendment sought by a credit union that proposes a change in field of membership.

Sec. 26. 9-B MRSA §877, as enacted by PL 1975, c. 666, §31, is amended to read:

§877. Fees for mergers, conversions and acquisitions

~~No~~ An application made pursuant to sections 872, 872-A, 873, 875 or 876 ~~shall~~ may not be ~~deemed~~ considered complete unless accompanied by an application fee ~~of $200~~ payable to the Treasurer of State to be credited and used as provided in section 214. The superintendent shall establish the amount of the application fee, which may not exceed $2,000.

Sec. 27. 9-B MRSA §1015, sub-§5, ¶D is enacted to read:

D. An application or notice required under this subsection is not complete unless accompanied by a fee to be credited and used as provided in section 214. The superintendent shall establish the amount of the fee, which may not exceed $2,500.

See title page for effective date.

CHAPTER 219

H.P. 296 - L.D. 404

An Act Regarding Shooting Over or From a Public Paved Way

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

Sec. 1. 12 MRSA §7406, sub-§7, as amended by PL 1997, c. 116, §1, is further amended to read:

7. Shooting from or over a public paved way. A person is guilty of hunting from or ~~across~~ over a public paved way if that person ~~hunts~~ shoots at any wild animal or wild bird from any public paved way or within 10 feet of the edge of the pavement of the public paved way or from within the right-of-way of any controlled access highway or discharges any firearm ~~across~~ over a public paved way. Nothing in this subsection prohibits a person who has a valid permit to carry a concealed weapon from possessing such a weapon on or near a public paved way as long as it is not used for ~~hunting~~ shooting at wild animals or wild birds or discharged in violation of this subsection.

See title page for effective date.

CHAPTER 220

H.P. 232 - L.D. 336

An Act Regarding Exhibition of Licenses from the Department of Inland Fisheries and Wildlife

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

Sec. 1. 12 MRSA §7079-C is enacted to read:

§7079-C. Duty to exhibit a license or permit

A person who holds a license or permit issued under chapters 701 to 721 shall, while engaged in the licensed activity or while transporting fish, wild animals or wild birds:

1. Carry license or permit. Have on that person that license or permit; and

2. Exhibit license or permit. Exhibit that license or permit for inspection upon request to a warden or other law enforcement officer, an employee of the department, a registered Maine guide or the owner of the land on which the licensed activity is taking place.

A person who violates this section is guilty of failure to exhibit a license. Failure to exhibit a license is a Class E crime.

Sec. 2. 12 MRSA §7106-B, sub-§4, ¶B, as enacted by PL 1995, c. 462, Pt. A, §35 and affected by §92, is repealed.

Sec. 3. 12 MRSA §7109, sub-§4, ¶A, as enacted by PL 1983, c. 807, Pt. L, §2, is repealed.

Sec. 4. 12 MRSA §7110, sub-§4, ¶B, as repealed and replaced by PL 1989, c. 878, Pt. A, §34, is repealed.

Sec. 5. 12 MRSA §7151, sub-§7, ¶B, as enacted by PL 1979, c. 420, §1, is repealed.