

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2000**

**Sec. 44. 36 MRSA §4641-C, sub-§7**, as amended by PL 1993, c. 398, §4, is further amended to read:

**7. Deeds pursuant to mergers or consolidations.** Deeds made pursuant to mergers or consolidations of corporations business entities, as defined in Title 13-A, section 912, from which no gain or loss is recognized under the Internal Revenue Code;

**Sec. 45. 36 MRSA §4641-C, sub-§17**, as repealed and replaced by PL 1995, c. 462, Pt. A, §70, is amended to read:

**17. Deeds to charitable conservation organizations.** Deeds for gifts of land or interests in land granted to bona fide nonprofit institutions, organizations or charitable trusts under state law or charter, a similar law or charter of any other state or the Federal Government that meet the conservation purposes requirements of Title 33, section 476, subsection 2, paragraph B without actual consideration for the deeds; and

**Sec. 46. 36 MRSA §4641-C, sub-§18**, as enacted by PL 1995, c. 462, Pt. A, §71, is amended to read:

**18. Limited liability company deeds.** Deeds to a limited liability company from a corporation, a general or limited partnership or another limited liability company, when the grantor or grantee owns an interest in the limited liability company in the same proportion as the grantor's or grantee's interest in or ownership of the real estate being conveyed; and

**Sec. 47. 36 MRSA §4641-C, sub-§19** is enacted to read:

**19. Change in identity or form of ownership.** Any transfer of real property, whether accomplished by deed, conversion, merger, consolidation or otherwise, if it consists of a mere change in identity or form of ownership of an entity. This exemption is limited to those transfers where no change in beneficial ownership is made and may include transfers involving corporations, partnerships, limited liability companies, trusts, estates, associations and other entities.

See title page for effective date.

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## CHAPTER 639

H.P. 1747 - L.D. 2453

### An Act Regarding the Statute of Limitations for Sexual Misconduct with a Minor

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

**Sec. 1. 14 MRSA §752-C**, as amended by PL 1993, c. 176, §1, is repealed and the following enacted in its place:

#### **§752-C. Sexual acts toward minors**

**1. No limitation.** Actions based upon sexual acts toward minors may be commenced at any time.

**2. Sexual acts toward minors defined.** As used in this section, "sexual acts toward minors" means the following acts that are committed against or engaged in with a person under the age of majority:

A. Sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph C; or

B. Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph D.

**Sec. 2. Application.** This Act applies to the following actions based upon a sexual act or sexual contact with a person under the age of majority:

1. All actions based on a sexual act or sexual contact occurring on or after the effective date of this Act; and

2. All actions for which the claim has not yet been barred by the previous statute of limitations in force on the effective date of this Act.

See title page for effective date.

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## CHAPTER 640

S.P. 1039 - L.D. 2621

### An Act to Extend the Removal Deadline for Certain Repaired Concrete Underground Oil Storage Tanks

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

**Sec. 1. 38 MRSA §563-A, sub-§8**, as amended by PL 1997, c. 167, §1, is further amended to read:

**8. Repaired concrete underground oil storage tanks.** The requirements of subsection 1 do not apply to underground oil storage tanks that are constructed primarily of concrete and that:

A. Exceed 100,000 gallons in capacity;

B. Have been repaired after December 31, 1988;

C. Have environmental monitoring and other leak detection procedures approved by the commissioner, including monthly visual monitoring for oil and monthly visual inspection of the tank piping; and

D. Store only #6 fuel oil.

After ~~October 1, 2000~~ July 1, 2002 or after a documented leak or subsurface discharge of oil, a person may not operate, maintain or store oil in a concrete underground oil storage facility or tank exempt under this subsection. An owner or operator of a concrete underground oil storage tank exempt under this subsection is not eligible for coverage from the fund of clean-up costs and 3rd-party damage claim costs under section 568-A for any discharge discovered at that tank after October 1, 1997.

See title page for effective date.

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**CHAPTER 641**

**H.P. 1886 - L.D. 2625**

**An Act to Strengthen the Habitual Motor Vehicle Offender Law**

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

**Sec. 1. 29-A MRSA §2556, sub-§2**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**2. Petition.** An habitual offender whose license has been revoked pursuant to section 2552 may petition the Secretary of State for a work-restricted license only after the expiration of 8 months from the date the license was revoked pursuant to section 2552.

See title page for effective date.

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**CHAPTER 642**

**S.P. 113 - L.D. 310**

**An Act to Allow Children to Fish from Shore with a Single Baited Hook and Line on Certain Portions of the Aroostook River**

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

**Whereas**, a lifelong interest in recreational sport fishing begins with children who have the opportunity to fish; and

**Whereas**, current sport fishing rules unreasonably restrict the opportunity for a child to fish with a single baited hook and line; and

**Whereas**, such opportunities must be in place as quickly as possible; 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 §7559** is enacted to read:

**§7559. Aroostook River**

A person 12 years of age or younger may fish from shore with a singlebaited hook and line on the following areas of the Aroostook River during the open water fishing season:

**1. Caribou.** In the Town of Caribou, from and including Otter Brook upstream to the Maine Public Service Company dam, including all tributaries in this section upstream to the first highway bridge intersecting each tributary; and

**2. Fort Fairfield.** In the Town of Fort Fairfield, from and including Pattee Brook upstream to Hockenhull Brook, including all tributaries in this section upstream to the first highway bridge intersecting the tributary.

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

Effective April 7, 2000.

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**CHAPTER 643**

**H.P. 1847 - L.D. 2584**

**An Act to Establish an Appeals Process for License Denial Under Limited-entry Fisheries**

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

**Whereas**, people have been denied lobster and crab fishing licenses and sea urchin harvesting licenses because of illness or military service since limited-entry laws were enacted for those fisheries; and