

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.

J.S. McCarthy Company
Augusta, Maine
2000

requested, it must be held within 10 days of the request, unless a longer period is mutually agreed to in writing, and it must be conducted in the Augusta area.

A hearing held under this subsection is informal. At the hearing, the appellant may present any evidence concerning the criteria listed in paragraph A that might justify issuing trap tags to the person, and the commissioner may request any additional information the commissioner considers necessary. Any medical information provided as part of the appeal is a confidential record as defined in Title 1, section 402, subsection 3, paragraph A.

C. A license holder whose appeal is approved under this subsection may purchase a number of trap tags up to the number of trap tags purchased in 1996 or 1997, whichever is greater. For each following year, the license holder may purchase up to an increase of 100 trap tags each year ~~as long as the total~~. The number does of trap tags may not exceed the trap limit established by rule for the zone in which the person fishes a majority of that person's traps.

Issuance of trap tags on appeal is at the discretion of the commissioner, except that trap tags may not be issued unless the criteria in paragraph A are met. Decisions of the commissioner must be in writing.

Sec. 7. 12 MRSA §6448, sub-§8, as enacted by PL 1999, c. 508, §3, is repealed and the following enacted in its place:

8. Exceptions. Notwithstanding subsection 4, the following persons may be issued a Class I, Class II or Class III lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone without meeting the requirements in subsection 4.

A. A person who is issued a Class I lobster and crab fishing license and who is under 18 years of age or is 70 years of age or older may declare any zone as that person's declared lobster zone.

B. A person who is issued a Class I, Class II or Class III lobster and crab fishing license on appeal pursuant to section 6310, subsection 2, paragraph A, subparagraph (1) or (2) may declare as that person's declared lobster zone the zone in which the person was authorized to fish a majority of that person's lobster traps in the most recent year in which the person held a license.

C. A person who is issued a Class I, Class II or Class III lobster and crab fishing license pursuant to section 6421, subsection 5, paragraph D may declare as that person's declared lobster zone the

zone in which the person was authorized to fish a majority of that person's lobster traps in the most recent year in which the person held a license.

A person who declares a limited-entry zone as that person's declared lobster zone pursuant to this subsection may not be counted for the purposes of the exit ratio or the number of new zone entrants that may be authorized for that zone.

Sec. 8. 12 MRSA §6749-O, sub-§§3 and 4, as enacted by PL 1995, c. 392, §7, are repealed.

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

Effective April 7, 2000.

CHAPTER 644

H.P. 338 - L.D. 454

An Act to Expand the Warrantless Arrest Law and to Establish the Crime of Obstructing the Report of a Crime or Injury

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

Sec. 1. 17-A MRSA §15, sub-§1, ¶A, as repealed and replaced by PL 1999, c. 127, Pt. A, §33, is amended by amending subparagraph (5-A) to read:

(5-A) Assault, criminal threatening, terrorizing, stalking, criminal mischief, obstructing the report of a crime or injury or reckless conduct if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;

Sec. 2. 17-A MRSA §758 is enacted to read:

§758. Obstructing report of crime or injury

1. A person is guilty of obstructing the report of a crime or injury if that person intentionally, knowingly or recklessly disconnects, damages, disables, removes or uses physical force or intimidation to block access to a telephone, radio or other electronic communication device with the intent to obstruct, prevent or interfere with another person's:

A. Report to a law enforcement agency; or

B. Request for an ambulance or emergency medical assistance to a governmental agency, hospital, physician or other medical service provider.

2. It is an affirmative defense to prosecution under this section that the actor reasonably believed that the actor's conduct was necessary to prevent a false public alarm or report as described in section 509.

3. Obstructing report of crime or injury is a Class D crime.

See title page for effective date.

CHAPTER 645

S.P. 631 - L.D. 1796

An Act to Improve the Absentee Voting Process

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

Whereas, clarifications to the election laws are necessary to appropriately administer the process of the current election cycle; 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. 21-A MRSA §1, sub-§43-A is enacted to read:

43-A. Third person or 3rd person. "Third person" or "3rd person," with respect to an absentee ballot, means a person, other than the clerk or an immediate family member of a voter, who delivers an absentee ballot to a voter.

Sec. 2. 21-A MRSA §355, sub-§3, as amended by PL 1999, c. 426, §12, is further amended to read:

3. Qualifications declared. The consent must contain a declaration of the candidate's place of residence and the fact that the candidate has not been enrolled in a party qualified to participate in a primary or general election ~~on or before~~ after March 1st of that election year and that the candidate meets the qualifications of the office the candidate seeks. The candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If, pursuant to the challenge procedures in section 356, any part of the declaration is found to be

false by the Secretary of State, the consent and the nomination petition are void.

A. Candidates for the office of county charter commission need not verify by oath or affirmation that they are not enrolled in a party.

Sec. 3. 21-A MRSA §671, sub-§8 is enacted to read:

8. Secrecy preserved. The warden at each voting place may not remain or allow any other person to remain where the warden or that person can see how a voter votes, except that a proper official may remain when the official's assistance has been requested by a voter.

Sec. 4. 21-A MRSA §751, as amended by PL 1999, c. 426, §29, is repealed and the following enacted in its place:

§751. Proper at any election

Absentee ballots may be cast at any election by any voter who requests an absentee ballot as provided under this subchapter. The voter need not specify a reason to receive an absentee ballot.

Sec. 5. 21-A MRSA §753, as amended by PL 1999, c. 426, §30, is repealed.

Sec. 6. 21-A MRSA §§753-A and 753-B are enacted to read:

§753-A. Procedure for requesting an absentee ballot

1. Applications available. On request, the clerk shall furnish a reasonable number of absentee ballot applications to any person, except that an application may not be furnished more than 3 months before the election for which the application will be used.

2. Application for state and municipal ballots at same time. If a municipal election is to be held on the same date as a statewide election, absentee ballots for the municipal and statewide election may be issued in response to the same application unless the municipal ballots are not ready to be issued at the time the statewide ballot is available. The clerk may not delay the issuance of a statewide absentee ballot in order to include a municipal ballot pursuant to this subsection.

3. Request in writing. A voter may complete an application or make a written request for the voter's own ballot by mail, in person or by facsimile. The voter may designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. An immediate family member of a voter may also make an application or written request for an absentee ballot for the voter.