

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

criteria. The superintendent may grant a waiver if the superintendent determines that the applicant for a waiver is sufficiently qualified to act as a large commercial policyholder.

See title page for effective date.

CHAPTER 4

H.P. 31 - L.D. 5

An Act to Correct a Reference in the Maine Juvenile Code

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

Sec. 1. 15 MRSA §3202, as repealed and replaced by PL 1979, c. 681, §9, is amended to read:

§3202. Arrest warrants for juveniles

An arrest warrant for a juvenile ~~shall~~ must be issued in the manner provided by Rule 4, ~~Maine District Court Criminal Rules~~ of the Maine Rules of Criminal Procedure, ~~provided except~~ that affidavits alone ~~shall~~ must be presented and a petition ~~shall~~ is not be necessary. Following arrest, the juvenile ~~shall be~~ is subject to the procedures specified in section 3301.

See title page for effective date.

CHAPTER 5

H.P. 102 - L.D. 106

An Act to Establish Maine Lighthouse Week

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

Whereas, the month of June is the beginning of the very important and exciting summer season in the State of Maine; and

Whereas, in order to allow more people to participate in the celebration of Maine's heritage this year; 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. 1 MRSA §139 is enacted to read:

§139. Maine Lighthouse Week

The Governor shall annually issue a proclamation setting aside the 3rd full week in June as Maine Lighthouse Week to invite and urge the people of the State to observe this week in suitable places and with appropriate ceremony and activity to honor and commemorate the important role of lighthouses in Maine's history.

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

Effective March 13, 2001.

CHAPTER 6

H.P. 45 - L.D. 54

An Act to Allow the Transfer of a Valid Turkey Permit to a Juvenile or Senior Citizen

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

Sec. 1. 12 MRSA §7468, sub-§4, as amended by PL 1999, c. 323, §2 and affected by §3, is further amended to read:

4. Hunting permits. The commissioner may establish the number of wild turkey permits for each wild turkey hunting zone and may issue those permits annually. The percentage of total wild turkey permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for wild turkey permits over the previous 3 years who were nonresidents and aliens and may not be more than 10% of the total wild turkey permits issued statewide. A person whose application is selected may obtain a wild turkey hunting permit upon presentation of proof that the person possesses:

- A. A valid Maine hunting license, if the person is a resident of the State; or
- B. A valid Maine big game hunting license, if the person is a nonresident or alien.

An adult who holds a valid wild turkey permit may transfer the permit to a junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then return the permit to the department prior to the start of the turkey season. The commissioner shall record the transfer and return the

permit to the junior hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee to hunt turkey. If the adult transfers the permit to the junior hunter or person 65 years of age or older, that adult is prohibited from hunting turkey.

See title page for effective date.

CHAPTER 7

H.P. 108 - L.D. 112

An Act to Designate the First Saturday in September as Colonel Freeman McGilvery Day

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

Sec. 1. 1 MRSA §139 is enacted to read:

§139. Colonel Freeman McGilvery Day

The first Saturday of September of each year is designated as Colonel Freeman McGilvery Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

See title page for effective date.

CHAPTER 8

H.P. 1022 - L.D. 1371

An Act to Establish the Dairy Industry Fund

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

Whereas, this legislation must take effect immediately in order that the fund established in this measure can begin to accrue money for distribution by the Maine Milk Commission; 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. 7 MRSA §2956-A is enacted to read:

§2956-A. Dairy Industry Fund

1. Fund established; source. The Dairy Industry Fund, referred to in this section as the "fund," is established. In addition to payments to the commission pursuant to section 2956, a dealer shall deduct 1¢ per hundredweight from amounts paid by the dealer to each Maine milk producer and pay that amount into the fund as a monthly payment.

2. Distributions from fund. Notwithstanding section 2957, the commission shall make distributions from the fund to a statewide association that has been approved by the majority of dairy farmers in the State in amounts allocated from the fund for that purpose.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Maine Milk Commission		
All Other	\$70,000	\$70,000
Provides funds for payments to a statewide association representing dairy farmers.		

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

Effective March 28, 2001.

CHAPTER 9

S.P. 74 - L.D. 294

An Act to Clarify the Laws Prohibiting Consumption or Possession of Alcohol by a Minor

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

Sec. 1. 28-A MRSA §2051, sub-§1, ¶B, as amended by PL 1993, c. 266, §24, is further amended to read:

B. Consume any liquor or imitation liquor, except in a home in the presence of ~~a~~ the minor's parent, legal guardian or custodian, as defined in Title 22, section 4002;

Sec. 2. 28-A MRSA §2051, sub-§1, ¶E, as amended by PL 1999, c. 103, §2, is further amended to read: