

# MAINE STATE LEGISLATURE

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**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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

3 or any rules adopted by the bureau implementing subsection 2 or 3:

A. An administrative penalty of up to \$1,000 for each day of the violation; and

B. In extraordinary cases, as determined by the Public Utilities Commission, revocation of the commission's authorization of the local exchange carrier's authority to provide local exchange service in this State.

Penalties collected by the commission under this subsection must be deposited in the Public Utilities Commission Reimbursement Fund under Title 35-A, section 117.

Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**Sec. 3. Rules review.** The Department of Public Safety, Emergency Services Communication Bureau shall submit to the Joint Standing Committee on Utilities and Energy any rules it proposes to adopt pursuant to the Maine Revised Statutes, Title 25, section 2933 prior to holding any hearing on those proposed rules and shall notify the committee of all hearing dates on those proposed rules.

See title page for effective date.

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**CHAPTER 54**

**S.P. 202 - L.D. 767**

**An Act to Facilitate Passenger Rail Transportation by Limiting Liability**

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

**Sec. 1. 23 MRSA §8012** is enacted to read:

**§8012. Passenger rail liability limitation**

The liability of passenger rail transportation service providers is limited to a maximum of \$75,000,000 in the aggregate for any claims and awards, compensatory or punitive, for property damage, personal injury, bodily injury or death arising from a rail incident or accident occurring in this State and involving a passenger train, but only if those providers have first secured and maintained liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate. If a passenger rail transportation service provider fails to secure and maintain liability insurance having policy limits of not less than \$75,000,000 per occurrence in the aggregate, then the liability limitation of this

section does not apply to that provider. The \$75,000,000 aggregate limit is the maximum amount for all claims and awards against all potentially responsible passenger rail transportation service providers involved in a rail incident or accident collectively. A passenger rail transportation service provider may enter into contracts that allocate financial responsibility for claims or awards. For the purposes of this section, a "passenger rail transportation service provider" includes for-profit and non-profit corporations and legal entities that own, lease, operate or manage passenger trains or passenger rail service, the Northern New England Passenger Rail Authority, railroad companies and other legal entities contracting with the Northern New England Passenger Rail Authority for the provision of passenger rail service, railroad companies that own, lease, provide track rights or maintain rail lines over which passenger trains pass and operators of passenger train services, but does not include Amtrak or its successor organization. This section does not affect immunities, limitation on damages, limitation of actions, limitation of liability or other protections provided to the State, as defined by Title 14, section 8102, subsection 4, under the Maine Tort Claims Act.

See title page for effective date.

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**CHAPTER 55**

**S.P. 167 - L.D. 586**

**An Act to Clarify the Testing Process for the Licensing of Guides**

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

**Whereas,** the skills and expertise provided by licensed guides to their clientele ensure a high level of safety for the individual as well as the general public; and

**Whereas,** the Department of Inland Fisheries and Wildlife staff are currently being diverted from other pressing duties to administer oral exams to guides; 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 §7313, sub-§6**, as amended by PL 1997, c. 432, §35, is repealed and the following enacted in its place:

**6. Oral examination.** If an oral examination is administered, the exam must be conducted by at least 2 trained examiners designated pursuant to section 7320, subsection 2, paragraph D who are approved by the commissioner or members of the Advisory Board for the Licensing of Guides.

**Sec. 2. 12 MRSA §7320**, as amended by PL 1995, c. 667, Pt. A, §26, is further amended to read:

**§7320. Advisory board**

**1. Members.** The Advisory Board for the Licensing of Guides, established by Title 5, section 12004-I, subsection 23, ~~shall consist~~ consists of the following ~~7~~ 8 members:

A. One subordinate officer of the department designated by the commissioner;

B. Two wardens of the department; ~~and~~

C. Four representatives of the public, with no more than 3 holding a license under this subchapter, to be appointed by the Governor for a term of 3 years to reflect a wide diversity of guiding experience. At least 2 members ~~shall~~ must be chosen for their expertise in outdoor recreation. The public members ~~shall~~ must be compensated as provided in Title 5, chapter 379; ~~and~~

D. One marine patrol officer of the Department of Marine Resources.

**2. Duties.** The board has the following duties:

A. To provide advice and consent regarding rules proposed by the commissioner;

B. At the request of the commissioner, to conduct oral examinations of applicants for guide licenses; ~~and~~

C. To advise the commissioner on granting and revoking guide licenses; ~~and~~

D. At the board's discretion, to designate examiners for the purpose of conducting oral examinations pursuant to section 7313, subsection 6. Examiners must be selected from active or retired members of the Bureau of Warden Service, current or former advisory board members, active or retired members of the marine patrol or currently licensed Maine guides. Designated examiners are entitled to compensation under the same provisions as the advisory board.

**3. Quorum.** Five members of the board constitute a quorum.

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

Effective April 12, 2001.

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**CHAPTER 56**

**H.P. 269 - L.D. 347**

**An Act to Amend Certain Provisions  
of Maine's Wild Turkey Hunting  
Season**

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

**Sec. 1. 12 MRSA §7468, sub-§§3 and 5**, as enacted by PL 1985, c. 95, §1, are amended to read:

**3. Wild turkey season.** ~~On or after January 1, 1986, the~~ The commissioner may establish open seasons on wild turkeys between May 1st and June 15th, within the wild turkey hunting zones, designate zones that are open to hunting wild turkeys and issue permits within those zones.

**5. Eligibility.** Any Maine resident, nonresident or alien who is eligible to obtain a Maine hunting license, or who will be eligible to obtain a Maine hunting license by the opening day of the wild turkey hunting season, is eligible to apply for a wild turkey hunting permit.

**Sec. 2. 12 MRSA §7468, sub-§7**, as enacted by PL 1985, c. 95, §1, is amended to read:

**7. Selection procedure.** Permittees ~~shall~~ must be randomly selected. ~~Alternates shall be chosen and may receive permits in the event that selected hunters do not obtain permits.~~

**Sec. 3. 12 MRSA §7468, sub-§12**, as enacted by PL 1985, c. 95, §1, is amended to read:

**12. Authority of the commissioner.** The commissioner may establish open hunting season dates on wild turkeys, issue applications for wild turkey hunting permits, set the number of permits to be issued, establish wild turkey hunting zones, issue permits, establish provisions giving special consideration to landowners who keep their lands open to hunting by the public and make all rules which he the ~~he~~ commissioner considers necessary for the protection of the wild turkey resource.

See title page for effective date.

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