

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

CHAPTER 127

S.P. 524 - L.D. 1647

**An Act to Allow Averaging of
Unallocated Balances Over 3% for
School Budgets**

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

Sec. 1. 20-A MRSA §15613, sub-§9, as amended by PL 1985, c. 797, §61, is further amended to read:

9. Balance of allocations. Notwithstanding any other public or private statute, general operating fund balances at the end of a school administrative unit's fiscal year ~~shall~~ must be carried forward to meet the ~~next year's school~~ school's needs in the next year or over a period not to exceed 3 years. Unallocated balances in excess of 3% of the previous year's school budget ~~shall~~ must be used to reduce the state and local ~~allocations~~ share of the foundation allocation for the purpose of computing state subsidy. School boards have the discretion of carrying forward unallocated balances in excess of 3% of the previous year's school budget and disbursing these funds in the next year or over a period not to exceed 3 years.

See title page for effective date.

CHAPTER 128

H.P. 525 - L.D. 680

**An Act to Bring the Crime of
Refusing to Submit to Arrest or
Detention into Conformity with the
Maine Criminal Code**

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

Sec. 1. 17-A MRSA §751-A, sub-§2, as enacted by PL 1997, c. 351, §3, is repealed and the following enacted in its place:

2. It is a defense to prosecution under this section that the person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer.

See title page for effective date.

CHAPTER 129

H.P. 584 - L.D. 739

**An Act to Require That Wolf
Hybrids be Permanently Identified
and to Establish Penalties for
Releasing Wolf Hybrids from
Captivity**

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

Sec. 1. 7 MRSA §3911-A is enacted to read:

§3911-A. Abandonment of wolf hybrid

A person who abandons a wolf hybrid commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged. For the purposes of this section "abandon" means to desert. For enforcement purposes a wolf hybrid is abandoned if the animal is found a distance of more than 5 miles from the premises of the owner and is not under the control of any person.

Sec. 2. 7 MRSA §3921-A is enacted to read:

§3921-A. Permanent identification of wolf hybrids

The commissioner shall adopt rules to establish methods of identifying wolf hybrids through tattooing, the placement of a microchip under the animal's skin or any other method determined by the commissioner as adequately providing a permanent means of identification on the body of the animal. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. A person may not own or keep a wolf hybrid unless the animal has identification in compliance with the rules adopted under this section.

Sec. 3. 7 MRSA §3922, sub-§3-B is enacted to read:

3-B. Proof of permanent identification. A municipal clerk may not issue a license for a wolf hybrid until the applicant has filed with the clerk proof that the wolf hybrid has been permanently identified in accordance with section 3921-A.

Sec. 4. 7 MRSA §3931-B is enacted to read:

§3931-B. Wolf hybrid kennel

The requirements of this section apply to a wolf hybrid kennel, as defined in subsection 1. A person maintaining a wolf hybrid kennel that also is a breeding kennel as defined in section 3907, subsection 8-A is also subject to the licensing requirements in section 3931-A.

1. Definition. As used in this section, unless the context otherwise indicates, "wolf hybrid kennel" means a location where one or more wolf hybrids are kept and bred.

2. Kennel registration required. A person who operates a wolf hybrid kennel must register with the department on a form provided by the department. The form must include the name of the person operating the kennel, the mailing address and road or street address for the kennel and the number of wolf hybrids kept at the time of registration. The person who operates the kennel must submit with the registration form proof that each wolf hybrid has been permanently identified in accordance with section 3921-A.

3. Permanent identification of offspring; record of transfer. A person operating a wolf hybrid kennel shall have the offspring of a wolf hybrid permanently identified prior to transferring ownership or care of the animal. When a wolf hybrid is sold, given away or exchanged or ownership or care of the wolf hybrid is otherwise transferred, the person operating the wolf hybrid kennel must notify the department of the transfer and provide the name and address of the person accepting transfer of the wolf hybrid.

4. Inspection and quarantine. A wolf hybrid kennel is subject to inspection and quarantine in accordance with section 3936, subsection 1.

5. Violation. A person who operates a wolf hybrid kennel who fails to comply with the provisions of this section commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

See title page for effective date.

CHAPTER 130

H.P. 34 - L.D. 43

An Act to Create a Mandatory Automobile Insurance Premium Discount for Safe, Mature Drivers

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

Sec. 1. 24-A MRSA §2902-G is enacted to read:

§2902-G. Discounted premiums for older drivers

1. Discount; accident prevention course required. Any rates, rating schedules or rating manuals for the liability, personal injury protection and collision coverages of a motor vehicle insurance policy submitted to or filed with the bureau must

provide for an appropriate discount in premium charges for such coverages for a 3-year period when the principal operator of the covered vehicle is an insured 55 years of age or older who successfully completes a motor vehicle accident prevention course approved by the Department of Public Safety, Bureau of Highway Safety.

2. Condition. The premium reduction required by subsection 1 is effective for a 3-year period after an insured 55 years of age or older successfully completes an approved motor vehicle accident prevention course, except that the insurer may require, as a condition of providing and maintaining the discount, that for a 3-year period after the course is completed:

A. The insured or a member of the insured's household insured under the policy not be involved in an accident for which the insured is at fault;

B. The insured or a member of the insured's household insured under the policy not have committed a moving violation as defined in Title 29-A, section 101, subsection 44; or

C. The insured or a member of the insured's household insured under the policy not be subject to a driver's license suspension.

3. Qualification; certificate. An organization offering an approved motor vehicle accident prevention course used to qualify for the premium discount required by subsection 1 shall issue a certificate to a person who successfully completes the course.

4. Application. An insured is not eligible for the premium discount under subsection 1 when the insured is required by a court or other government entity to complete the approved motor vehicle accident prevention course because the insured has committed a moving violation as defined in Title 29-A, section 101, subsection 44.

5. Eligibility. An insured must pass an approved motor vehicle accident prevention course every 3 years to continue to be eligible for the premium discount.

See title page for effective date.

CHAPTER 131

H.P. 46 - L.D. 55

An Act to Provide an Extra Hunting Opportunity for Junior License Holders