

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
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meets the training requirements of Title 25, section 2804-I, the warden may arrest all violators. The warden may serve all process pertaining to the ordinance. The warden also has, within that warden's jurisdiction, the powers of a marine patrol officer provided in section 6025, subsection 4. All of the powers conferred in this subsection are limited to the enforcement of a municipal shellfish conservation ordinance.

At the commissioner's request, a certified municipal shellfish conservation warden may collect samples and otherwise assist the department in the detection of pollutants and contaminants. The commissioner is not required to conduct tests on samples not requested by the commissioner.

See title page for effective date.

CHAPTER 189

S.P. 113 - L.D. 339

An Act to Address Violence in Schools

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

Sec. 1. 20-A MRSA §§6804 and 6806, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

§6804. Disturbing schools

A person who enters the property of a public or private school ~~building~~ or another place of instruction during or out of school hours, while the teacher or student is present, and willfully interrupts or disturbs the teacher or student by loud speaking, rude or indecent behavior, signs or gestures, or engages in hostile, aggressive or threatening behavior toward a student, teacher, administrator or other staff member, or willfully interrupts a school by prowling about the building, making noises, throwing missiles at the schoolhouse or disturbing the school, ~~shall commit~~ commits a civil offense and shall forfeit not less than ~~\$2~~ \$200 nor more than ~~\$20~~ \$500.

§6806. Defacing schoolhouses; outbuildings

A person who defaces, ~~damages or destroys~~ the walls, benches, seats, blackboards or other parts of a schoolhouse or school outbuildings, ~~by obscene pictures, language, marks or descriptions~~, commits a civil offense and shall pay a ~~fine of not more than \$10~~ double the damages.

Sec. 2. 20-A MRSA §6807, as amended by PL 1983, c. 806, §62, is further amended to read:

§6807. Liability for injury to books or appliances

If a public school student loses, destroys or unnecessarily injures a schoolbook or appliance furnished to the student at the expense of the school administrative unit, the student's parent ~~shall~~ must be notified. If the loss or damage is not made good to the satisfaction of the school board within ~~a reasonable time~~ 45 working days, ~~they~~ the board shall report the case to the assessors of the municipality in which the student resides. The municipal assessors shall include in the next municipal tax of the delinquent parent the ~~value~~ replacement costs of the book or appliance, to be assessed and collected as other municipal taxes, and the money collected must go the municipality.

See title page for effective date.

CHAPTER 190

H.P. 464 - L.D. 592

An Act to Ensure that Fishways on Tidal Waters are Working

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

Sec. 1. 12 MRSA §6121, sub-§2, as repealed and replaced by PL 1983, c. 388, §1, is amended to read:

2. Examination of dams. The commissioner shall ~~periodically~~ annually examine all dams and other artificial obstructions to fish passage within the coastal waters in order to determine whether fishways are necessary, sufficient or suitable for the passage of anadromous fish.

Sec. 2. 12 MRSA §6121, sub-§7, as repealed and replaced by PL 1983, c. 388, §1, is amended to read:

7. Privileged entry. The commissioner, ~~his~~ the ~~commissioner's~~ agents or subcontractors ~~shall be~~ are privileged to enter upon any private land in order to ~~periodically~~ at least annually examine, at least annually, fishways in dams or other artificial obstructions and the examination of dams provided in subsection 2. The commissioner shall notify the landowner, lessee or other person in control of the dam when the examination will take place and the time required to complete the examination. The commissioner shall make every effort to preserve private land and shall restore

surrounding lands to the grade and condition existing prior to entry, if economically feasible.

See title page for effective date.

CHAPTER 191

H.P. 350 - L.D. 440

An Act to Exempt from the Definition of "Watercraft" Permanently Affixed Boats

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

Sec. 1. 12 MRSA §7791, sub-§14, as enacted by PL 1979, c. 420, §1, is amended to read:

14. Watercraft. "Watercraft" means any type of vessel, boat, canoe or craft capable of being used as a means of transportation on water, other than a seaplane, including motors, electronic and mechanical equipment and other machinery, whether permanently or temporarily attached, and which are customarily used in the operations of the watercraft. "Watercraft" does not include a vessel, boat, canoe or craft located and intended to be permanently docked in one location and not used as a means of transportation on water.

See title page for effective date.

CHAPTER 192

S.P. 383 - L.D. 1280

An Act Concerning the Enforcement of Laws Relating to Scallop in Cobscook Bay

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

Sec. 1. 12 MRSA §6728 is enacted to read:

§6728. Limits in Cobscook Bay

1. Daily limit; rules. In the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada, it is unlawful to fish for, take or possess more than 15 gallons of scallop meat per day. Under this subsection it is unlawful to unload any portion of a day's catch and return to fishing. The department shall establish by rule a bushel limit of shellstock that is equivalent to 15 gallons of meat. The department shall also establish by rule a method to allow harvesters to land and possess scallops in Cobscook Bay that are taken outside the area defined in this subsection.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Culling required. In the coastal waters northerly and inshore of the international bridge that connects Lubec to Campobello Island, New Brunswick, Canada, it is unlawful to possess, ship, transport, buy or sell scallops that are less than 3 1/2 inches in the longest diameter. Those scallops that are less than 3 1/2 inches must be immediately liberated. It is prima facie evidence of possession of illegal scallops if a vessel contains scallops less than 3 1/2 inches while a scallop boat license holder or crew member is shucking scallops.

3. Violation. A person who violates this section commits a civil violation. The following penalties apply:

A. For the first offense, a forfeiture of \$250 is imposed and all scallops on board may be seized; and

B. For each subsequent offense, a forfeiture of \$250 is imposed, all scallops on board may be seized and the scallop boat license may be suspended for one year.

See title page for effective date.

CHAPTER 193

S.P. 247 - L.D. 815

An Act to Foster the Survival of Maine Small Businesses in Snowmobile and ATV Sales

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

Sec. 1. 12 MRSA §7821, sub-§2-A is enacted to read:

2-A. New snowmobile. "New snowmobile" means a snowmobile that has not been registered in this State or any other state or for which sales tax has not been paid in this State or any other state.

Sec. 2. 12 MRSA §7827, sub-§28 is enacted to read:

28. Unlawful sale of new snowmobile. A person is guilty of an unlawful sale of a new snowmobile if that person sells more than 2 new snowmobiles per year and does not possess a franchise agreement or contract with a snowmobile manufacturer and a dealer's license.