

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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NON-EMERGENCY LAWS IS
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
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Sec. 1. 5 MRSA §18, sub-§7, as enacted by PL 1987, c. 784, §3, is amended to read:

7. Avoidance of appearance of conflict of interest. Every executive employee shall endeavor to avoid the appearance of a conflict of interest by disclosure or by abstention. For the purposes of this subsection and subsection 8, "conflict of interest" includes receiving remuneration, other than reimbursement for reasonable travel expenses, for performing functions that a reasonable person would expect to perform as part of that person's official responsibility as an executive employee.

Sec. 2. 5 MRSA §18-A is enacted to read:

§18-A. Conflict of interest; contract with the State

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "State entity" means any office, department, agency, authority, commission, board, institution, hospital or other instrumentality of the State.

B. "Executive employee" has the same meaning as set forth in section 19, subsection 1, paragraph D except that "executive employee" includes employees of and members serving with the National Guard and employees of the University of Maine System, the Maine Maritime Academy and the state technical colleges.

2. Prohibition. An executive employee may not have any direct or indirect pecuniary interest in or receive or be eligible to receive, directly or indirectly, any benefit that may arise from any contract made on behalf of the State when the state entity that employs the executive employee is a party to the contract.

3. Violative contract void. Any contract made in violation of this section is void.

4. Exemptions. This section does not apply:

A. To purchases by the Governor under authority of Title 1, section 814;

B. To contracts made with a corporation that has issued shares to the public for the general benefit of that corporation; or

C. If an exemption is approved by the Director of the Bureau of General Services within the Department of Administrative and Financial Services or the director's designee based upon one of the following and if the director gives notice of the granting of this exemption to all parties bidding on the contract in question with a statement of the reason for the exemption and if an oppor-

tunity is provided for any party to appeal the granting of the exemption:

(1) When the private entity or party that proposes to contract with the State and that employs the executive employee, based upon all relevant facts, is the only reasonably available source to provide the service or product to the State, as determined by the director; or

(2) When the director determines that the amount of compensation to be paid to the private entity or party providing the service or product to the State is de minimis.

See title page for effective date.

CHAPTER 204

S.P. 281 - L.D. 992

An Act to Permit the Department of Inland Fisheries and Wildlife to Accept Gifts for the Benefit of Wildlife Protection and Conservation

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

Sec. 1. 17 MRSA §331, sub-§6, ¶¶B and C, as enacted by PL 1987, c. 190, §3, are amended to read:

B. Any volunteer police force, fire department or ambulance corps; ¶

C. Any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State; or

Sec. 2. 17 MRSA §331, sub-§6, as amended by PL 1995, c. 462, Pt. B, §3, is further amended to read:

6. Raffles with prizes of \$10,000 or less. Notwithstanding subsection 1, a license to conduct or operate a raffle as defined in section 330, subsection 5, in which the holder of the winning chance does not receive something of value worth more than \$10,000, is not required of the following:

A. Any agricultural society eligible for the state stipend under Title 7, section 62, or any bona fide, nonprofit organization that is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or any auxiliary of such organization;

B. Any volunteer police force, fire department or ambulance corps; ¶

C. Any class or organization of an elementary, secondary or ~~post secondary~~ postsecondary educational institution operated or accredited by the State; or

D. Any state agency that conducts or operates a raffle for a donated item to benefit fish and wild-life conservation projects.

Any exempt organization, department or class or combination listed in paragraph A, B ~~or~~, C or D may sponsor, operate and conduct a raffle without a license only for the exclusive benefit of that organization, department or class or combination and that raffle must be conducted only by duly authorized members of the sponsoring organization, department or class or combination.

A state agency may not conduct or operate more than 2 raffles per year pursuant to paragraph D.

See title page for effective date.

CHAPTER 205

H.P. 359 - L.D. 449

An Act to Prevent Damage to Lobsters

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

Sec. 1. 12 MRSA §6433-B is enacted to read:

§6433-B. Runners

1. Definitions. As used in this section, unless the context otherwise indicates, the term "runner" means a device on the bottom of a lobster trap that prevents damage to lobster claws and allows the trap to be pulled smoothly out of the water.

2. Device to prevent damage to lobster claws. A lobster trap must have a device attached to the trap that is designed to prevent damage to lobster claws.

A. If stick runners are used:

- (1) The runners may be made out of any material;
- (2) The runners must be at least 1/4 inch thick; and
- (3) A minimum of two runners must be attached to the lobster trap and the runners must be placed on opposite sides of the bottom of the lobster trap.

B. If a 2nd layer of material is used in lieu of stick runners, it must be layered in a manner that creates a mesh size smaller than the base trap mesh when attached to the bottom of the trap.

C. If a device other than a device identified in paragraph A or B is used, the device must be designed to minimize damage to lobster claws and must be approved by the commissioner.

See title page for effective date.

CHAPTER 206

H.P. 1039 - L.D. 1396

An Act to Encourage and Support a Mother's Decision to Breast-feed in this State

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

Sec. 1. 5 MRSA §4634 is enacted to read:

§4634. Right to breast-feed

Notwithstanding any other provision of law, a mother may breast-feed her baby in any location, public or private, where the mother is otherwise authorized to be.

See title page for effective date.

CHAPTER 207

H.P. 395 - L.D. 516

An Act Exempting Prehistoric and Historic Archaeological Work from Permitting Requirements under the Natural Resource Protection Laws and the Shoreland Zoning Laws

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

Sec. 1. 38 MRSA §439-A, sub-§8 is enacted to read:

8. Archaeological excavation. A permit is not required for an archaeological excavation that is within a shoreland zone as long as the excavation is conducted by an archaeologist listed on the Maine Historic Preservation Commission level 1 or level 2 approved list and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.