

# 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**

Eligibility Specialist positions for the Healthy Maine Prescription Program.

**Bureau of Medical Services**

Positions - Legislative Count	(5,000)	(5,000)	
Personal Services	\$37,098	\$200,198	\$208,536
All Other	186,938	811,213	878,112
<b>TOTAL</b>	<u>\$224,036</u>	<u>\$1,011,411</u>	<u>\$1,086,648</u>

Allocates federal matching funds for the establishment of one Medical Care Coordinator position; 2 Provider Relations Specialist positions; one Financial Analyst position; and one Social Services Program Specialist I position for the Healthy Maine Prescription Program.

**Medical Care - Payments to Providers**

All Other	\$166,685	\$5,302,280	\$9,191,236
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Allocates federal matching funds for payments to pharmacy providers under the Healthy Maine Prescription Program.

**OMB Operations - Regional**

Positions - Legislative Count	(2,000)	(2,000)	
Personal Services	\$51,693	\$53,760	
All Other	10,000	3,120	
<b>TOTAL</b>	<u>\$61,693</u>	<u>\$56,880</u>	

Allocates federal matching funds for the establishment of 2 Clerk Typist II positions for the Healthy Maine Prescription Program.

**DEPARTMENT OF HUMAN SERVICES**

<b>TOTAL</b>	<u>\$390,721</u>	<u>\$6,618,237</u>	<u>\$10,493,111</u>
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**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 25, 2001.

**CHAPTER 294**

**H.P. 1342 - L.D. 1796**

**An Act to Facilitate the Implementation of Maine's On-line Sportsman's Electronic System**

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

**Sec. 1. 12 MRSA §7073, sub-§5,** as repealed and replaced by PL 1995, c. 667, Pt. A, §12, is amended to read:

**5. Duplicates.** A duplicate license or permit may be obtained by any person who has accidentally lost or destroyed any license or permit issued to that person under this chapter upon payment of a fee of \$2, all of which must be retained by the agent. ~~A duplicate license or permit may be obtained only from the issuer of the original license.~~

**Sec. 2. 12 MRSA §7133, sub-§2,** as enacted by PL 1979, c. 729, §2, is amended to read:

**2. Issuance.** The commissioner, or the commissioner's agent, may issue a license to engage in trapping. Clerks or other agents appointed by the commissioner shall charge a fee of \$2 for each trapping license issued. The commissioner shall charge a fee of \$1 for each trapping license issued by department employees.

**Sec. 3. 12 MRSA §7374,** as enacted by PL 1979, c. 420, §1, is amended to read:

**§7374. Possession of altered license or permit**

A person is guilty of possession of ~~an~~ a fraudulently altered license or permit if ~~he~~ that person has in ~~his~~ that person's possession any license or permit issued under chapters 701 to 721 ~~which~~ that has been altered, tampered with or mutilated in any manner.

**Sec. 4. 12 MRSA §7468, sub-§6,** as enacted by PL 1985, c. 95, §1, is amended to read:

**6. Application procedure.** Eligible persons wishing to apply for a permit shall ~~file a written application for a permit on a form furnished~~ apply in a manner prescribed by the commissioner. The application ~~shall~~ must be accompanied by an application fee of \$5 for residents and \$10 for nonresidents and aliens. The application fee may not be refunded. No person may file more than one application. Any person who submits more than one application ~~shall be~~ is disqualified from the selection of permittees.

Sec. 5. 12 MRSA c. 715 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 715

WATERCRAFT, SNOWMOBILES, AIRMOBILES AND ALL-TERRAIN VEHICLES

Sec. 6. 12 MRSA §7792, sub-§1-A, as amended by PL 1989, c. 493, §51, is further amended to read:

1-A. Appointment of watercraft registration agents; fees. Rules authorizing the commissioner to delegate the authority to issue watercraft registrations subject to the following.

A. The commissioner may appoint municipal clerks or other persons who a municipality may designate as municipal agents to issue watercraft registrations. The commissioner may appoint other agents as necessary to issue watercraft registrations. The commissioner shall determine the period when the agents shall act.

~~B. For the purpose of issuing watercraft registrations, agents other than municipal agents shall be appointed or reappointed as follows.~~

~~(1) The commissioner shall designate as an agent, for the purpose of issuing watercraft registrations, any person who holds a boat dealer's certificate of number in accordance with section 7795, submits a complete application, is credit worthy and has not violated any provision of this subchapter.~~

~~(2) A business, the agency of which is revoked for a violation of this subchapter, may reapply for an agency for the 2nd year following the last year it held an agency.~~

C. Each agent, for the purpose of issuing watercraft registrations, shall submit a report to the commissioner on or before the 15th day of each calendar month. The report shall include an accounting of all watercraft registrations issued during the previous calendar month and shall be accompanied by:

~~(1) The department's copy of each registration issued; and~~

~~(2) All watercraft registration funds collected by the agent during the reporting period.~~

D. Agents may charge a service fee of ~~not more than \$1~~ for each watercraft renewal registration issued and ~~this \$2~~ for each registration covered

by sections 7793-A to 7793-E. This service fee shall be retained by the agent. The commissioner shall charge a \$1 service fee for each registration issued by department employees.

E. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under this subsection. Failure to remit the funds as provided in this section results in the following sanctions, in addition to any other provided by law.

(1) The commissioner shall charge interest on the amount owed at the rate of 18% a year for each day the agent is delinquent.

(2) If the agent has not paid the amount owed by the 60th day after the agent becomes delinquent, the commissioner shall assess a surcharge of 5% of the principal amount owed.

(3) If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(a) Terminate the agency for the balance of the year; and

(b) Order that the agency not be renewed for the next year;

Sec. 7. 12 MRSA §7794, sub-§4, ¶E is enacted to read:

E. Registration issued for an expanded registration period authorized in subsection 8, paragraph A:

(1) Ten horsepower or less..... \$7.50

(2) Greater than 10, but not more than 50 horsepower.....\$12.50

(3) Greater than 50 horsepower..... \$18.75

(4) Personal watercraft..... \$25.00

Sec. 8. 12 MRSA §7794, sub-§8, ¶A is enacted to read:

A. After September 30th, a person may pay 125% of the original watercraft registration fee as listed in subsection 4, paragraph E and receive a registration covering the remainder of the calendar year plus one additional year.

**Sec. 9. 12 MRSA §7824, sub-§1-B**, as amended by PL 1995, c. 467, §2, is further amended to read:

**1-B. Appointment of snowmobile registration agents; report; fees.** Appointment of snowmobile registration agents ~~is~~ and applicable fees are governed by the following.

A. The commissioner may appoint municipal clerks or other persons who a municipality may designate as municipal agents to issue snowmobile registrations. ~~The commissioner may designate other agents as necessary to issue snowmobile registrations.~~ The commissioner shall determine the period when the agents shall act.

B. For the purpose of issuing snowmobile registrations, ~~agents other than municipal agents are appointed or reappointed as follows:~~

~~(1) The commissioner may designate as an agent, for the purpose of issuing snowmobile registrations, any person who is licensed as a snowmobile dealer in accordance with section 7825, submits a complete application, is credit worthy and has not violated any provision of this subchapter. The commissioner may designate as an agent for the purpose of selling non-resident snowmobile registrations any business that submits a complete application, is determined by the commissioner to be credit worthy and has not violated any provision of this subchapter.~~

~~(2) A business, the agency of which is revoked for a violation of this subchapter, may reapply for an agency for the 2nd year following the last year it held an agency.~~

C. ~~Each agent, for the purpose of issuing snowmobile registrations, shall submit a report to the commissioner on or before the 15th day of each calendar month. The report shall include an accounting of all snowmobile registrations issued during the previous calendar month and shall be accompanied by:~~

~~(1) The department's copy of each registration issued; and~~

~~(2) All snowmobile registration funds collected by the agent during the reporting period.~~

D. Agents may charge a service fee of not more than \$1 for each snowmobile renewal registration issued and ~~this~~ \$2 for each registration covered

by sections 7793-A to 7793-E. This service fee shall be retained by the agent.

E. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under this subsection. Failure to remit the funds as provided in this section results in the following sanctions, in addition to any other provided by law.

(1) The commissioner shall charge interest on the amount owed at the rate of 18% a year for each day the agent is delinquent.

(2) If the agent has not paid the amount owed by the 60th day after the agent becomes delinquent, the commissioner shall assess a surcharge of 5% of the principal amount owed.

(3) If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(a) Terminate the agency for the balance of the year; and

(b) Order that the agency not be renewed for the next year.

**Sec. 10. 12 MRSA §7824, sub-§8**, as amended by PL 1995, c. 467, §7, is further amended to read:

**8. Transfer of ownership, discontinuance of use or expanded registration.**

A. A person who transfers the ownership or permanently discontinues the use of a snowmobile having a resident registration or a nonresident seasonal registration and applies for registration of another snowmobile in the same registration year is entitled to a ~~certificate~~ of registration upon payment of a transfer fee of \$2 and is not required to pay the regular registration fee.

B. Whenever ownership is transferred or the use of a snowmobile for which a registration ~~certificate~~ has already been issued is discontinued, the old registration ~~certificate~~ shall must be properly signed and executed by the owner showing that the ownership of the snowmobile has been transferred or its use discontinued and returned to the commissioner within 10 days of the transfer or discontinuance of use.

C. If there is a change of ownership of a snowmobile for which a registration ~~certificate number~~ has previously been issued, the new owner

shall apply for a new registration ~~certificate~~, shall set forth the original number in the application and shall pay the regular fee for the particular snowmobile involved.

D. Whoever obtains an original resident snowmobile registration after March 31st, may pay \$30 and receive a registration covering the remainder of the registration period plus one additional year.

**Sec. 11. 12 MRSA §7854, sub-§1-A**, as repealed and replaced by PL 1989, c. 493, §62, is amended to read:

**1-A. Appointment of ATV registration agents; fees.**

A. The commissioner may appoint municipal clerks or other persons who a municipality may designate as municipal agents to issue ATV registrations. The commissioner may designate other agents as necessary to issue ATV registrations. The commissioner shall determine the period when the agents shall act.

~~B. For the purpose of issuing ATV registrations, agents other than municipal agents shall be appointed or reappointed as follows:~~

~~(1) The commissioner shall designate as an agent, for the purpose of issuing ATV registrations, any person who is licensed as an ATV dealer in accordance with section 7855, submits a complete application, is credit worthy and has not violated any provision of this subchapter.~~

~~(2) A business, the agency of which is revoked for a violation of this subchapter, may reapply for an agency for the 2nd year following the last year it held an agency.~~

~~C. Each agent, for the purpose of issuing ATV registrations, shall report to the commissioner on or before the 15th day of each calendar month. The report shall include an accounting of all ATV registrations issued during the previous calendar month and shall be accompanied by:~~

~~(1) The department's copy of each registration issued; and~~

~~(2) All ATV registration funds collected by the agent during the reporting period.~~

D. An agent is delinquent if that agent fails to forward to the commissioner funds collected by that agent by the date established in rules adopted under this subsection. Failure to remit the funds as provided in this subsection results in

the following sanctions, in addition to any other provided by law.

(1) The commissioner shall charge interest on the amount owed at the rate of 18% a year for each day the agent is delinquent.

(2) If the agent has not paid the amount owed by the 60th day after the agent becomes delinquent, the commissioner shall assess a surcharge of 5% of the principal amount owed.

(3) If an agent is delinquent for more than 150 days or is delinquent 3 or more times in one year, the commissioner shall:

(a) Terminate the agency for the balance of the year; and

(b) Order that the agency not be renewed for the next year.

Agents may charge a service fee of ~~not more than~~ \$1 for each ATV renewal registration issued and ~~this \$2 for each registration covered by sections 7793-A to 7793-E. This service fee shall be~~ is retained by the agent.

**Sec. 12. 12 MRSA §7854, sub-§7**, as amended by PL 1989, c. 493, §64, is further amended to read:

**7. Transfer of ownership, discontinuance of use or expanded period registration.** A transfer of ownership or discontinuance of use of an all-terrain vehicle ~~shall be~~ is subject to the following.

A. Whoever transfers the ownership or discontinues the use of a registered all-terrain vehicle shall, within 10 days, properly sign the registration ~~certificate~~, indicating the disposition of the all-terrain vehicle, and return the ~~certificate~~ registration to the commissioner.

B. An all-terrain vehicle owner who transfers ownership or discontinues its use may, within 10 days from the date of transfer or discontinuance, apply to the commissioner for registration of another all-terrain vehicle. The fee for the transfer ~~shall be~~ is \$2 and the registration ~~certificate shall be~~ is valid for the remainder of the registration year for which the previous all-terrain vehicle had been registered.

C. Whenever there is a change of ownership of an all-terrain vehicle for which a registration has previously been issued, the new owner shall apply for a new registration and shall pay the regular \$12 fee.

D. After March 31st, a person may pay \$15 and receive a registration covering the remainder of the registration period plus one additional year.

See title page for effective date.

## CHAPTER 295

H.P. 104 - L.D. 108

### **An Act to Expand the Number of Authorized High-stakes Beano and High-stakes Bingo Games**

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

**Sec. 1. 17 MRSA §314-A, sub-§9** is enacted to read:

**9. Exception.** Notwithstanding subsection 3, an organization licensed under this section may operate high-stakes beano or high-stakes bingo games on New Year's Eve and New Year's Day.

See title page for effective date.

## CHAPTER 296

H.P. 1055 - L.D. 1418

### **An Act to Authorize the Commissioner of Inland Fisheries and Wildlife to Extend the Deer Hunting Season**

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

**Sec. 1. 12 MRSA §7457, sub-§1, ¶A**, as amended by PL 1999, c. 16, Pt. G, §5, is repealed and the following enacted in its place:

A. Except as otherwise provided in this section, sections 7102-A and 7107-A or by rule adopted by the commissioner pursuant to this section, there is an open season for deer in each calendar year in all counties of the State between September 15th and December 15th annually. In any year that the regular season extends beyond November 30th, the regular season must start no later than the 4th Monday preceding Thanksgiving.

See title page for effective date.

## CHAPTER 297

S.P. 504 - L.D. 1591

### **An Act to Raise the Minimum Wage**

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

**Sec. 1. 26 MRSA §664, sub-§1**, as enacted by PL 1995, c. 305, §1, is amended to read:

**1. Minimum wage.** The minimum hourly wage is \$4.25 \$5.15 per hour. Starting January 1, 2002, the minimum hourly wage is \$5.75 per hour. Starting January 1, 2003, the minimum hourly wage is \$6.25 per hour. If the highest federal minimum wage is increased in excess of \$4.25 per hour the minimum wage in effect under this section, the minimum wage must be under this section is increased to the same amount, effective on the same date as the increase in the federal minimum wage, but in no case may the minimum wage exceed \$5.15 per hour the minimum wage otherwise in effect under this section by more than \$1.00 per hour.

**Sec. 2. Regulation of employment poster.** The Department of Labor shall include notice of the change in the minimum wage in its next reprinting of the regulation of employment poster.

See title page for effective date.

## CHAPTER 298

H.P. 398 - L.D. 519

### **An Act to Amend the Licensing Provisions for Private Investigators**

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

**Sec. 1. 32 MRSA §8103, sub-§1**, as enacted by PL 1981, c. 126, §2, is amended to read:

**1. Commissioner.** "Commissioner" means the Commissioner of Public Safety or the commissioner's designee.

**Sec. 2. 32 MRSA §8105, sub-§5, ¶E**, as enacted by PL 1981, c. 126, §2, is amended to read:

E. Answers to the following questions:

(1) Are you currently under indictment or information for a crime for which the possible penalty is imprisonment for in excess of a period equal to or exceeding one year?