

# 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**

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 G, §5, is repealed and the following enacted in its place: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?

- (2) Have you ever been convicted of a crime for which the possible penalty ~~exceeded~~ was imprisonment for a period equal to or exceeding one year in prison?
- (3) Are you a fugitive from justice?
- (4) Are you an unlawful user of or addicted to marijuana or any other drug?
- (5) Have you been adjudged mentally defective or been committed to a mental institution within the past 5 years? or
- (6) Are you an illegal alien?

**Sec. 3. 32 MRSA §8105, sub-§7-A, ¶A**, as amended by PL 1987, c. 602, §2, is further amended to read:

A. Has been employed for consideration for a minimum of ~~one year~~ 1,700 hours as an investigative assistant possessing a valid license issued by the commissioner. The 1,700 hours must have been completed within 2 years after the date of issuance of the investigative assistant license but may not have been completed in less than one year after the date of issuance of the license;

**Sec. 4. 32 MRSA §8113, first ¶**, as repealed and replaced by PL 1985, c. 207, §2 and as amended by PL 1999, c. 547, Pt. B, §78 and affected by §80, is further amended to read:

The commissioner may, after a notice of an opportunity for hearing in conformance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, refuse to issue or renew a license. The District Court may suspend or revoke the license of any person licensed under this chapter. The following ~~shall be~~ are grounds for an action to refuse to issue, suspend, revoke or refuse to renew the license of a person licensed under this chapter:

**Sec. 5. 32 MRSA §8113, sub-§7**, as repealed and replaced by PL 1985, c. 207, §2, is amended to read:

**7. Employment of prohibited person.** Employment, in connection with a private investigation business, in any capacity, ~~of~~ of any person who has been convicted of a ~~felony~~ crime punishable by imprisonment for one year or more or any former licensee whose license has been revoked; or

See title page for effective date.



**CHAPTER 299**

**H.P. 899 - L.D. 1191**

**An Act to Amend the Maine Arborist Licensing Law and Clarify the Expiration Date for Nursery Licenses**

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

**Sec. 1. 5 MRSA §12004-I, sub-§1-A** is enacted to read:

<u>1-A.</u>	<u>Maine</u>	<u>Expenses</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>Arborist</u>	<u>Only</u>	<u>§2191</u>
	<u>Advisory</u>		
	<u>Council</u>		

**Sec. 2. 7 MRSA §2171, first ¶**, as enacted by PL 1999, c. 84, §3, is amended to read:

A person, firm or corporation may not engage in or continue in the business of selling or dealing in nursery stock, as defined in section 2211, without first obtaining a license to conduct such business in this State. The State Horticulturist shall prescribe the form of the license. Upon proper application, a license must be issued in the name of the nursery owner or dealer and that license may not be transferred. Each agent and each store acting under a general agent or store must have a license as provided in this section. A license may be issued for a one-year, 2-year or 3-year period and expires on December 31st of the year the period ends. Licenses for a period in excess of one year may only be issued with the agreement of or at the request of the applicant. The fee for a 2-year license is 2 times the annual fee. The fee for a 3-year license is 3 times the annual fee.

**Sec. 3. 7 MRSA §2175, sub-§1**, as enacted by PL 1999, c. 84, §3, is amended to read:

**1. Penalties.** Any A person who violates this subchapter is guilty of a Class E crime commits a civil violation for which a forfeiture of up to \$500 a day for each day the violation continues may be adjudged. All penalties collected must be deposited in a nonlapsing account in the department and must be used for the expenses of administering this chapter.

**Sec. 4. 7 MRSA §2175, sub-§2**, as enacted by PL 1999, c. 84, §3 and amended by c. 547, Pt. B, §78 and affected by §80, is further amended to read:

**2. Injunction.** The State may bring an action in District Court or Superior Court to enjoin any person from violating this chapter, regardless of whether other proceedings have been or may be instituted in the District Court or whether criminal proceedings have been or may be instituted.