

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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.

J.S. McCarthy Company
Augusta, Maine
2001

- (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Sec. 4. 32 MRSA §8113, first ¶, as repealed and replaced by PL 1985, c. 207, §2 and as amended by PL 1999, c. 547, Pt.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Sec. 5. 32 MRSA §8113, sub-§7, as repealed and replaced by PL 1985, c. 207, §2, is amended to read: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.

Sec. 5. 7 MRSA §2179, as enacted by PL 1999, c. 84, §3, is amended to read:

§2179. License required

Except as provided in section 2180, a A person may not advertise, consult, solicit, contract or in any way engage for compensation in the business of an arborist, or make representation as being able to do so, without being licensed as an arborist.

Sec. 6. 7 MRSA §2180, as enacted by PL 1999, c. 84, §3, is repealed.

Sec. 7. 7 MRSA §2184, 2nd ¶, as enacted by PL 1999, c. 84, §3, is repealed.

Sec. 8. 7 MRSA §2191 is enacted to read:

§2191. Advisory council established

The Maine Arborist Advisory Council, as established in Title 5, section 12004-I, subsection 1-A and referred to in this section as the "council," advises the commissioner on the licensing and enforcement of arborists in the State.

1. Membership; terms; meetings; removal.

The council consists of 7 members appointed by the commissioner. Of the 7 members, one must be a member representing the public and 6 must be arborists licensed by the State. Of the 6 arborists, one must be a licensed arborist employed by a municipality of the State; one must be an employee of an electrical transmission company; one must be a self-employed arborist; and one must serve on the governing council of a statewide professional organization for licensed arborists. All regions of the State must be represented on the council.

Members serve for a term of 3 years. At the end of a term an outgoing member serves until a successor has been appointed. A member may not serve more than 2 consecutive terms.

The council shall meet at least annually to conduct business and to elect officers. A quorum consists of at least 4 members. The affirmative vote of a majority of the members present is necessary to decide any business brought before the council.

A member may be removed by the commissioner for:

- A. Failure to attend council meetings;
- B. Failure to maintain a valid arborist license, if required to do so;
- C. Moving out of the State; or
- D. Cause, as determined by the commissioner.

Members may not be compensated except for expenses incurred in attending meetings. A commercial arborist who is a present or former member of the council may not use membership on the council in the advertising of the arborist's business.

2. Duties of council. The council shall:

A. Consult with the department on matters in which the members have individual or collective expertise;

B. Assist the department in developing and updating arborist exams;

C. Recommend to the department amendments to arborist licensing laws and rules to ensure they properly regulate the activities of licensed arborists in the State; and

D. Assist the department with investigating complaints of unprofessional conduct and recommend a course of action to resolve such complaints.

See title page for effective date.

CHAPTER 300

H.P. 1052 - L.D. 1415

**An Act to Amend the Laws
Regarding Harness Racing**

Emergency preamble. **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain clarifications of the laws governing harness racing are necessary in order for funds to be distributed appropriately prior to the end of the racing season; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 8 MRSA §275-E, sub-§1, as enacted by PL 1993, c. 388, §8, is amended to read:

1. Commissions. Except as provided in subsection 2, the total commission on pools of regular wagers is 18% of each dollar wagered and the total commission on pools of exotic wagers is 26% of each dollar wagered, plus the odd cents of all redistribution