

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.

J.S. McCarthy Company
Augusta, Maine
2001

Sec. 15. Department of Corrections; re-name program. The following General Fund program is renamed as follows: the "Correctional Program Improvement Fund" is renamed the "Correctional Medical Services Fund."

See title page for effective date.

CHAPTER 387

S.P. 546 - L.D. 1692

An Act to Revise Certain Provisions of Maine's Fish and Wildlife Laws

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

Whereas, this legislation needs to be an emergency to prevent laws that will be repealed on April 1, 2001 from being repealed; and

Whereas, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of the State; 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. 10 MRSA §1250-K is enacted to read:

§1250-K. Unlawful sale of new snowmobile and new all-terrain vehicle

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

For the purposes of this subsection, "new snowmobile" means a snowmobile, as defined in Title 12, section 7821, subsection 5, 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; and "new all-terrain vehicle" means an all-terrain vehicle, as defined in Title 12, section 7851, subsection 2, 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.

2. Penalty. A violation of this section is a civil violation for which a forfeiture of not less than \$500 and a penalty of not more than \$5,000 may be adjudged.

Sec. 2. 12 MRSA §7014, sub-§5, as enacted by PL 1983, c. 819, Pt. A, §17, is amended to read:

5. Safety. ~~The administration of Assistance with~~ programs for hunter safety and for the safe operation of snowmobiles and watercraft and all-terrain vehicles;

Sec. 3. 12 MRSA §7016, as enacted by PL 1983, c. 819, Pt. A, §17, is amended to read:

§7016. Division of Public Information and Education

There ~~shall be~~ is, within the Department of Inland Fisheries and Wildlife, ~~a the~~ the Division of Public Information and Education, which ~~shall be~~ is responsible for the administration of programs to increase the public's knowledge and understanding of the inland fisheries and wildlife resources and the management of these resources, including the administration of education programs for hunter safety and for the safe operation of snowmobiles, watercraft and all-terrain vehicles. The division's responsibilities ~~shall~~ include public education, promotion of the inland fisheries and wildlife resources and the dissemination of information.

Sec. 4. 12 MRSA §7035, sub-§1, ¶A, as amended by PL 1985, c. 369, §3, is further amended to read:

A. Fishing rules as set forth in the ~~1986 annual~~ 1986 annual Open Water Fishing Regulations folder and the ~~1986 annual~~ 1986 annual Ice Fishing Regulations folder, as printed and distributed to the public, are declared to be official consolidations of fishing rules. ~~Each subsequent biennial revision of these publications shall, upon filing with the Secretary of State, constitute an official consolidation as printed.~~

Sec. 5. 12 MRSA §7035, sub-§16-B is enacted to read:

16-B. Funds; dedicated account. Funds received by the commissioner for the sale of general merchandise products pursuant to subsection 16 must be deposited in a dedicated account to be used only for the purposes described in subsection 11.

Sec. 6. 12 MRSA §7035, sub-§20-A is enacted to read:

20-A. Dedicated accounts for accepting donations. The commissioner may create dedicated accounts to deposit money received from the sale of general merchandise pursuant to subsection 16 and may accept money, goods and services donated to the department to support specific programs carried out by the department. Any money donated to the department in support of a specific program must be deposited into a dedicated account for the purpose of funding activities carried out by that program.

Sec. 7. 12 MRSA §7101, sub-§1, ¶A, as enacted by PL 1979, c. 420, §1, is amended to read:

A. ~~Any A~~ resident or nonresident ~~over 10 years of age may obtain~~ apply for a written license to hunt wild animals and wild birds from the commissioner or ~~his~~ the commissioner's authorized agent. ~~No A~~ resident or nonresident under 10 years of age may not hunt wild animals or wild birds with firearms at any time.

Sec. 8. 12 MRSA §7101, sub-§4, as enacted by PL 1979, c. 420, §1, is amended to read:

4. Expiration. A junior hunting license issued to a person who has passed ~~his~~ that person's 15th birthday is valid through the calendar year for which the license is issued. All other permit requirements for a person who is 16 years of age or older apply to persons who continue to hunt with a junior hunting license.

Sec. 9. 12 MRSA §7102-A, sub-§6, ¶C, as corrected by RR 1993, c. 1, §35, is amended to read:

C. The commissioner shall by rule establish a special archery season beginning at least 30 days prior and extending to the beginning of the regular deer hunting season, as described in section 7457, subsection 1, paragraph A, for the purpose of hunting deer with bow and arrow only. During the special archery season on deer, the following restrictions apply.

(1) Deer may be taken only by means of a hand-held bow and broadhead arrow, ~~provided that:~~

(a) Bows must ~~be of adequate strength to shoot an arrow at least 150~~

yards have a minimum draw weight of 35 pounds; and

(b) Arrowheads must be at least 7/8 inch in width.

(2) A person may not carry firearms of any kind while hunting any species of wildlife with bow and arrow during the special archery season on deer, except that any person who holds a license that allows hunting with firearms may carry a handgun.

(3) If a person takes a deer with bow and arrow during the special archery season on deer, that person is precluded from further hunting for deer during that year.

(4) Except as provided in this subsection, the provisions of chapters 701 to 721 concerning deer are applicable to the taking of deer with bow and arrow, including the transportation, registration and possession of deer taken by this method.

Sec. 10. 12 MRSA §7153, sub-§§1 and 2, as repealed and replaced by PL 1995, c. 536, Pt. B, §2, are amended to read:

1. Issuance. The commissioner may issue permits to fish for or possess alewives, eels, suckers, lampreys and yellow perch under rules that the commissioner establishes, if these permits do not interfere with rights granted under section 6131.

A. Eels may be harvested in inland waters using only eel pots or weirs.

B. Alewives, suckers and yellow perch may be harvested in inland waters using trap nets, dip nets or spears.

C. Lampreys may be harvested in inland waters by use of a hand-held dip net or by hand.

2. Fee. The minimum fee for an individual permit for alewives, suckers, lampreys and yellow perch is \$42. ~~Beginning in calendar year 1996, a A~~ crew permit may be sold for alewives, suckers, lampreys and yellow perch for \$100, authorizing up to 3 persons to engage in the licensed activity. The annual fee for an eel pot or weir permit is \$100. An eel pot or eel weir license is not transferable.

Sec. 11. 12 MRSA §7174, sub-§2, as enacted by PL 1979, c. 420, §1, is amended to read:

2. Restrictions. A licensed trapper with an eel permit may take not more than 20 pounds of eels annually, by eel pots or hook and line only, for use in baiting traps.

Sec. 12. 12 MRSA §7202, sub-§3, as enacted by PL 1999, c. 315, §6, is amended to read:

3. Rules. The commissioner may adopt rules allowing the possession and importation of certain species of tropical fish and goldfish without a permit, for aquarium purposes only, if the commissioner determines that the species does not pose an unreasonable risk to any species of fish or other organism after evaluating fish health, habitat and population management issues. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 13. 12 MRSA §7352, sub-§3, ¶B, as amended by PL 1981, c. 644, §15, is further amended to read:

B. The record ~~shall~~ must be open for inspection by the commissioner or ~~his~~ the commissioner's agent, and ~~shall~~ must be filed with the commissioner, ~~after being notarized~~, on or before June 30th of each year.

Sec. 14. 12 MRSA §7352-A, sub-§4, as enacted by PL 1991, c. 642, is amended to read:

4. Restrictions. Each licensee shall keep a true and complete record, in such form as is required by the commissioner, of all hides bartered or sold.

The record must be open for inspection by the commissioner or the commissioner's agent, and must be filed with the commissioner, ~~after being notarized~~, on or before February 1st of the following year.

Sec. 15. 12 MRSA §7354, sub-§3, as enacted by PL 1989, c. 913, Pt. C, §4, is amended to read:

3. Records. The holder of a taxidermist license shall keep a true and complete record, in such form as required by the commissioner, of all activities conducted by virtue of the taxidermist license. The record must be open for inspection by any agent of the commissioner during normal business hours. The license holder shall file a ~~notarized~~ copy of the record with the commissioner no later than 10 days after the end of the year during which the license is valid.

Sec. 16. 12 MRSA §7365, sub-§6-A, as amended by PL 1997, c. 730, §3 and affected by §22, is further amended to read:

6-A. Sale of business; allocations. When a licensed whitewater outfitter's business is sold, the selling outfitter's allocations or portions of the allocations subject to the sale must be returned to the department. On application to the department, allocations may be reissued to the purchaser, as long as the purchaser meets the licensing and allocation

requirements of the department and pays the license and allocation fees. The allocations are not assets of a business. Allocations or portions of the allocations may be transferred, pursuant to this chapter, from a selling outfitter to one or more purchasers only if the selling outfitter's allocations or portions of the allocations subject to the sale are returned to the department. When allocations are forfeited or when new allocations become available as a result of increases in the commercial use limits on an allocated river, the department shall sell those allocations at public auction to qualified recipients. Net proceeds from the sale of allocations must be paid to the General Whitewater Rafting Fund ~~and are considered revenues of the department~~.

Sec. 17. 12 MRSA §7365-A, sub-§2, ¶B, as enacted by PL 1995, c. 626, §1, is amended to read:

B. A statement signed by all board members, if any, and all officers of the club swearing that:

- (1) The sole purpose of the club is to provide noncommercial whitewater rafting opportunities to its members;
- (2) No member of the club, including officers and board members, receive any form of compensation from the club at any time, either while a member of the club or afterwards;
- (3) The club will use its own rafting equipment and all fees or dues collected from club members are used only to provide insurance and to purchase and maintain rafting equipment for use solely by the club; and
- (4) The club will not employ or otherwise compensate any person for any service relating to rafting or accept any gifts of products or services from any commercial whitewater outfitter or licensed whitewater guide; and

Sec. 18. 12 MRSA §7366-A, sub-§1, ¶C, as enacted by PL 1995, c. 667, Pt. B, §4, is amended to read:

C. Eight persons representing the public who are licensed whitewater guides, appointed by the Governor for staggered terms of 3 years. In making appointments under this paragraph, the Governor shall ensure that those appointments establish and maintain a wide diversity of whitewater guide experience on the State's rapidly flowing rivers. The Governor may not appoint a person who holds a whitewater outfitter license. At least 5 persons appointed under this paragraph must have expertise in whitewater rafting on both

the Kennebec River and the West Branch of the Penobscot River, including the cribworks.

Sec. 19. 12 MRSA §7377, sub-§5-A, as enacted by PL 1995, c. 455, §25, is repealed.

Sec. 20. 12 MRSA §7406, sub-§20, ¶A, as amended by PL 1999, c. 790, Pt. J, §4, is further amended to read:

A. Notwithstanding the provisions of subsection 9-A:

(1) A person may hunt migratory waterfowl from a motorboat in accordance with federal regulations;

(2) A person who has a valid Maine permit to carry a concealed weapon may have in or on a motor vehicle or trailer a loaded pistol or revolver covered by that permit; ~~and~~

(3) Paraplegics and single or double amputees of the legs may shoot from motor vehicles that are not in motion; ~~and~~

(4) A person may shoot from a motorboat when the motor is shut off and the boat is drifting, beached, moored, resting at anchor or is being propelled solely by paddle, oars or pole.

Sec. 21. 12 MRSA §7462, sub-§3, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 22. 12 MRSA §7463-A, sub-§1-A, as amended by PL 1997, c. 432, §44, is further amended to read:

1-A. Areas open to moose hunting. The commissioner may ~~establish~~ designate by rule areas of the State open to moose hunting zones. ~~Physical boundaries must be used to delineate all zones. The boundaries of the zones and the number of permits to be issued for each zone must be made public at least 14 days before application for permits may be made.~~

Sec. 23. 12 MRSA §7463-A, sub-§2-B, as enacted by PL 1999, c. 402, §3, is amended to read:

2-B. Moose management. To effectively manage the moose herd in the State, the commissioner may by rule establish the following:

A. The number of moose permits to be issued every year, including a percentage for antlerless moose;

B. The length of the moose hunting season; and

C. The timing of the moose hunting season.

~~The commissioner shall adopt rules for paragraphs B and C governing moose hunts occurring after 1999 and rules for paragraph A governing moose hunts occurring after 2000. Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter II-A. The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over wildlife matters by February 1st of each year on proposed actions under this subsection.~~

Sec. 24. 12 MRSA §7463-A, sub-§4, as amended by PL 1999, c. 402, §5, is further amended to read:

4. Hunting permits. In accordance with the provisions of subsections 1-A, ~~2-A~~ and 2-B, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each wildlife management district established by the commissioner by rule open to moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that the person possesses:

A. A valid Maine hunting license, if the person is a resident of the State; or

B. A valid Maine big game hunting license, if the person is a nonresident or alien.

The fee for a moose hunting permit is \$29 for residents and \$300 for nonresidents and aliens. While hunting moose, each nonresident or alien hunter, both permittee and subpermittee, must be in possession of a valid Maine nonresident or alien big game hunting license, whichever is applicable.

Sec. 25. 12 MRSA §7463-A, sub-§7, as enacted by PL 1981, c. 118, §2, is amended to read:

7. Selection procedure. Permittees ~~shall~~ must be selected by a public chance drawing. ~~Alternates shall be chosen and may receive permits in the event that selected hunters do not purchase permits.~~

Sec. 26. 12 MRSA §7463-A, sub-§10, ¶B, as repealed and replaced by PL 1987, c. 696, §11, is amended to read:

B. Moose registration agents shall register each moose legally presented for registration and shall attach a seal to each moose in the manner directed by and with materials furnished by the commissioner. The person registering a moose shall pay to the moose registration agent the sum of \$1 for the seal, which sum is retained by the agent.

Sec. 27. 12 MRSA §7552, sub-§5-A, ¶C, as enacted by PL 1993, c. 155, §3, is amended to read:

C. Whenever the last day of open-water fishing season falls on a Saturday, ~~the commissioner shall issue a rule extending the season is extended~~ one day to include the following Sunday;

Sec. 28. 12 MRSA §7605, as enacted by PL 1979, c. 420, §1, is amended to read:

§7605. Illegally introducing fish or fish spawn

A person is guilty of illegally introducing fish or fish spawn if ~~he~~ that person introduces fish or fish spawn raised by the department into a private pond, except that such an introduction may be permitted for fishing events held in conjunction with educational or special programs sanctioned by the department.

Sec. 29. 12 MRSA §7606, sub-§2, as enacted by PL 1985, c. 607, §5, is amended to read:

2. Failure to label baitfish traps, drop nets or baitfish holding boxes. A person is guilty of failure to label baitfish traps, drop nets or baitfish holding boxes if ~~he~~ that person sets or places within the inland waters of the State any baitfish trap, drop net or ~~any~~ baitfish holding box without having the baitfish trap, drop net or baitfish holding box plainly labeled with ~~his~~ that person's full name and address.

Sec. 30. 12 MRSA §7701-C, as amended by PL 2001, c. 146, §3, is further amended to read:

§7701-C. Violations; fines

It is considered a violation of this subchapter if a fish kill results from the improper operation of a fishway required pursuant to this subchapter. The department may assess a fine equivalent to the value of the fish killed but not more than \$10,000 for each day of that violation. ~~The department shall adopt rules to establish a schedule of fines for each violation involving the improper operation of a fishway. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter H-A.~~

Sec. 31. 12 MRSA §7771, sub-§3, as amended by PL 1997, c. 255, §1, is further amended to read:

3. Taking of certain fish. After hearing pursuant to section 7035, subsection 1, the commissioner may permit the taking of pickerel, perch and other fish in specified waters, subject to conditions the commissioner may prescribe, whenever it appears that those fish seriously injure the propagation of or the fishing for any game fish. ~~The commissioner shall solicit bids prior to issuing a permit under this subsection to take~~

~~fish for reclamation purposes and may solicit bids prior to issuing any other permit issued under this subsection.~~

Sec. 32. 12 MRSA §7801, sub-§19, as amended by PL 1989, c. 913, Pt. A, §13, is further amended to read:

19. Failure to report a watercraft accident. A person is guilty of failure to report a watercraft accident if that person is the operator or owner of ~~any~~ a watercraft involved in ~~any~~ a collision, accident or other casualty while using a watercraft ~~which that~~ results in the death of a person, a person's losing consciousness or receiving medical treatment, a person's becoming disabled for more than 24 hours; ~~or~~ a person's disappearance from a watercraft under circumstances indicating death or injury; ~~or damage to the watercraft or other property of more than \$300 and fails to file accident reports as follows:~~

A. A written report on forms provided by the commissioner containing ~~such~~ the information as required within 24 hours of the occurrence if a person dies, disappears, loses consciousness, receives medical treatment, or is disabled for more than 24 hours; ~~or within 5 days of the occurrence if the accident involved property damage only;~~ and

B. A report of the occurrence, by the quickest means of communication, to the nearest available law enforcement officer to the place where the accident occurred.

Accidents involving damage only to watercraft or other property to the estimated amount of \$1,000 or more must be reported within 72 hours on forms provided by the department.

Sec. 33. 12 MRSA §7801, sub-§30, as amended by PL 1995, c. 455, §40, is further amended to read:

30. Failure to comply with additional safety requirements while operating a personal watercraft. A person is guilty of failure to comply with additional safety requirements while operating a personal watercraft if that person:

A. Or any passenger is not wearing Coast Guard approved Type I, Type II or Type III personal flotation devices while operating or riding on the personal watercraft; or

B. Operates the personal watercraft during the hours between sunset and sunrise; ~~or~~

~~C. Operates a personal watercraft before attaining the age of 12 years.~~

Sec. 34. 12 MRSA §7801, sub-§37 is enacted to read:

37. Unlawfully renting or leasing a personal watercraft. A person is guilty of unlawfully renting or leasing a personal watercraft if that person rents or leases a personal watercraft in violation of section 7798-B.

Sec. 35. 12 MRSA §7824, sub-§10, ¶D, as enacted by PL 1999, c. 692, §1, is repealed.

Sec. 36. 12 MRSA §7827, sub-§20-A is enacted to read:

20-A. Abuse of another person's property. A person is guilty of abuse of another person's property if, while operating a snowmobile, that person:

A. Tears down or destroys a fence or wall on another person's land;

B. Leaves open a gate or bars on another person's land; or

C. Tramples or destroys crops on another person's land.

Sec. 37. 12 MRSA §7827, sub-§22, as amended by PL 1997, c. 796, §7, is further amended to read:

22. Failure to report accident. A person is guilty of failure to report a snowmobile accident if that person:

A. Is the operator of ~~any~~ a snowmobile involved in ~~any~~ a accident resulting in injuries requiring the services of a physician; or in death of ~~any~~ a person ~~or in property damage to the estimated amount of \$1,000 or more;~~ some person acting for such an operator; or the owner of the involved snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown; and

B. Fails to give notice of the accident, by the quickest means of communication, to a law enforcement officer available nearest to the place where the accident occurred.

Accidents involving only property damage to the estimated amount of \$1,000 or more must be reported within 72 hours on forms provided by the department.

Sec. 38. 12 MRSA §7827, sub-§27, as enacted by PL 1999, c. 127, Pt. B, §3, is repealed.

Sec. 39. 12 MRSA §7854, sub-§1, as amended by PL 1997, c. 432, §54, is further amended to read:

1. Application and issuance. The commissioner, or an agent designated by the commissioner, may register and assign a registration number to any ATV upon application and payment of an annual fee by the owner. The commissioner shall charge a fee of \$1 in addition to the annual fee for each registration issued by an employee of the department. The registration number must be clearly displayed on the ~~front and~~ rear of the vehicle. A registration is valid for one year commencing July 1st of each year.

Sec. 40. 12 MRSA §7854, sub-§10, ¶C, as enacted by PL 1999, c. 692, §2, is repealed.

Sec. 41. 12 MRSA §7857, sub-§22, as amended by PL 1989, c. 913, Pt. A, §17, is further amended to read:

22. Failure to report accident. A person is guilty of failure to report an ATV accident, if that person:

A. Is the operator of an ATV involved in ~~any~~ an accident resulting in injuries requiring the services of a physician; or in death of ~~any~~ a person ~~or in property damage to the estimated amount of \$300 or more;~~ some person acting for such an operator; or the owner of the involved ATV having knowledge of the accident, should the operator of the ATV be unknown; and

B. Fails to give notice of the accident, by the quickest means of communication, to a law enforcement officer available nearest to the place where the accident occurred.

Accidents involving only property damage to the estimated amount of \$1,000 or more must be reported within 72 hours on forms provided by the department.

Sec. 42. 12 MRSA §7857, sub-§22-B is enacted to read:

22-B. Abuse of another person's property. A person is guilty of abuse of another person's property if, while operating an ATV, that person:

A. Tears down or destroys a fence or wall on another person's land;

B. Leaves open a gate or bars on another person's land; or

C. Tramples or destroys crops on another person's land.

Sec. 43. 12 MRSA §7857, sub-§24, ¶E, as amended by PL 1985, c. 762, §21, is further amended to read:

E. Notwithstanding subsections 13, 13-A and 14, those subsections do not apply on land ~~which~~

is owned by the parent or guardian of the operator or on land where permission for use has been granted to the parent or guardian.

Sec. 44. 12 MRSA §7901, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. A violation of section 7406, subsection 15; ~~failure to aid injured person;~~ is a Class C crime.

Sec. 45. 12 MRSA §7901, sub-§2-A, as amended by PL 1989, c. 252, §3, is further amended to read:

2-A. Bear. A violation of section 7406, subsection 1, as it applies to bear, section 7432, subsection 1, as it applies to bear, or section 7452, subsection 3 or 4 is a Class D crime. A convicted person ~~shall~~ must be imprisoned for not more than 180 days and ~~shall~~ must be fined not less than \$1,000. This fine ~~is~~ may not ~~to~~ be suspended.

Sec. 46. 12 MRSA §7901, sub-§18, as enacted by PL 1999, c. 127, Pt. B, §5, is amended to read:

18. Unlawfully renting or leasing a personal watercraft. A violation of section ~~7827~~ 7801, subsection ~~27~~ 37 is a civil violation for which a forfeiture of not less than \$200 must be adjudged. The \$200 minimum ~~fine~~ may not be waived by the court.

Sec. 47. 12 MRSA §7901, sub-§20, ¶C-1 is enacted to read:

C-1. Operating a motorboat without identification number or validation stickers as described in section 7801, subsection 2;

Sec. 48. 12 MRSA §7901, sub-§20, ¶¶E-1 and E-2 are enacted to read:

E-1. Operating a motorboat carrying passengers for hire without an operator's license as described in section 7801, subsection 7;

E-2. Operating a motorboat in a bathing area as described in section 7801, subsection 12;

Sec. 49. 12 MRSA §7901, sub-§20, ¶¶F-1 and F-2 are enacted to read:

F-1. Operating a personal watercraft while underway as described in section 7801, subsection 13-A;

F-2. Operating a watercraft to molest wild animals or wild birds as described in section 7801, subsection 14;

Sec. 50. 12 MRSA §7901, sub-§20, ¶¶P and Q, as enacted by PL 1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, are amended to read:

P. Failure to comply with additional safety requirements while operating a personal watercraft as described in section 7801, subsection 30; ~~and~~

Q. Unlawfully permitting operation of a watercraft as described in section 7801, subsection 31;

Sec. 51. 12 MRSA §7901, sub-§20, ¶¶R to U are enacted to read:

R. Operating an airmobile or a motorboat that exceeds noise limits as described in section 7801, subsection 33;

S. Tampering with a motorboat muffler system as described in section 7801, subsection 34;

T. Illegally operating a personal watercraft in a prohibited area as described in section 7801, subsection 35; and

U. Operating a rented or leased personal watercraft without an identification decal as described in section 7801, subsection 36.

Sec. 52. 12 MRSA §7901, sub-§22, ¶¶L and M, as enacted by PL 1999, c. 771, Pt. A, §2 and affected by Pt. D, §§1 and 2, are amended to read:

L. Unlawfully operating an ATV on railroad tracks as described in section 7857, subsection 18; ~~and~~

M. Operating an ATV in a prohibited area as described in section 7857, subsection 22-A;

Sec. 53. 12 MRSA §7901, sub-§22, ¶¶N and O are enacted to read:

N. Operating an ATV on crop land or pastureland as described in section 7857, subsection 23; and

O. Prohibition on sales without lights as described in section 7857, subsection 25.

Sec. 54. PL 2001, c. 193 is repealed.

Sec. 55. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 12, section 7701-C takes effect 90 days after adjournment of the First Regular Session of the 120th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except as otherwise indicated.

Effective June 12, 2001, unless otherwise indicated.

CHAPTER 388

S.P. 581 - L.D. 1759

An Act to Define the Responsibilities of the Chief Information Officer and to Make Membership Changes on Technical Boards

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

Sec. 1. 1 MRSA §534, sub-§1, ¶E, as enacted by PL 1997, c. 713, §1, is amended to read:

~~E. The Director of the Bureau of Information Services within the Department of Administrative and Financial Services or the director's commissioner's designee;~~

Sec. 2. 5 MRSA §354, sub-§§1 and 2, as enacted by PL 1999, c. 428, §1, are amended to read:

1. Membership. The board consists of ~~7~~ **8** members. The Secretary of State ~~and~~ the Director of the Bureau of Information Services and the Chief Information Officer within the Department of Administrative and Financial Services, or their designees, shall serve on the board. The President of the Senate and the Speaker of the House of Representatives shall each appoint one public member. A statewide municipal government organization shall recommend and the Governor shall appoint 2 members representing municipalities. A statewide information services group shall recommend and the Governor shall appoint one member with technical expertise in electronic communications.

2. Terms of members. The Secretary of State ~~and~~ the Director of the Bureau of Information Services and the Chief Information Officer within the Department of Administrative and Financial Services, or their designees, shall serve as permanent members of the board. The members from municipalities, the member with technical expertise and the public members serve 3-year terms, except that initially one municipal member and the public member appointed by the Speaker of the House of Representatives serve 3-year terms, the member with technical expertise and one municipal member serve 2-year terms, and the public member appointed by the President of the Senate serves a one-year term. Each member may be

appointed for another term upon the completion of a term on the board.

Sec. 3. 5 MRSA §1873, sub-§1-A is enacted to read:

1-A. Chief Information Officer. "Chief Information Officer" means the person who holds the lead information technology position within the executive branch that directs, coordinates and oversees information technology policy making, planning, architecture and standardization.

Sec. 4. 5 MRSA §1877-A, sub-§1, as amended by PL 1999, c. 668, §7, is further amended to read:

1. Report to the Legislature. The commissioner and the Chief Information Officer shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs at the beginning of the first regular session of each Legislature with respect to:

A. The degree of progress that has been made with respect to the coordination of data processing and computer programming within State Government:

(1) The Information Services Policy Board and the Chief Information Officer shall also evaluate the degree of progress in the coordination of data processing and computer programming within State Government and that evaluation must be included in this part of the report;

B. The problems that exist with respect to the coordination of data processing and computer programming activities within State Government:

(1) The Information Services Policy Board and the Chief Information Officer shall also describe and evaluate the problems that exist with respect to the coordination of data processing and computer programming in State Government and that evaluation must be included in this part of the report;

C. The degree to which personnel needs of state agencies are being met;

D. Any problems that exist with respect to current policies and procedures as they relate to the personnel needs of state agencies. This portion of the report must also include the evaluation of the Civil Service Policy Review Board with respect to the issue of this paragraph; and