

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

- ~~(10) Staff development;~~
- ~~(11) Cultural differences and discriminatory and nondiscriminatory hiring practices; and~~
- ~~(12) Other competency areas as determined by state board rule; and~~

Sec. 8. 20-A MRSA §13019-B, sub-§3 is enacted to read:

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Sec. 9. 20-A MRSA §13019-C, sub-§1, ¶C, as repealed and replaced by PL 1989, c. 878, Pt. B, §18, is amended to read:

C. A basic level of knowledge in ~~the following areas:~~ competency areas determined by the state board; and

- ~~(1) Community relations;~~
- ~~(2) School finance and budget;~~
- ~~(3) Supervision and evaluation of personnel;~~
- ~~(4) Federal and state civil rights and education laws;~~
- ~~(5) Organizational theory and planning;~~
- ~~(6) Educational leadership;~~
- ~~(7) Educational philosophy and theory;~~
- ~~(8) Effective instruction;~~
- ~~(9) Curriculum development;~~
- ~~(10) Staff development; and~~
- ~~(11) Other competency areas as determined by state board rule; and~~

Sec. 10. 20-A MRSA §13019-C, sub-§3 is enacted to read:

3. Rulemaking. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 535

S.P. 688 - L.D. 1890

An Act Concerning Confidentiality of Investigations by the Commission on Governmental Ethics and Election Practices

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

Sec. 1. 21-A MRSA §1003, sub-§2-A, as enacted by PL 2001, c. 237, §1, is repealed.

See title page for effective date.

CHAPTER 536

H.P. 1467 - L.D. 1968

An Act to Require the Owner of a Submerged Snowmobile or Boat to Remove the Snowmobile or Boat

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

Whereas, submerged snowmobiles and motorboats in inland waters are a public health and safety hazard; 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. 12 MRSA §7827, sub-§22-A is enacted to read:

22-A. Operating snowmobile on open water. A person is guilty of operating a snowmobile on open water if that person operates or attempts to operate a snowmobile on open water. For purposes of this subsection, "open water" means any area of an inland water body that is free of ice and snow. This subsection does not apply to private ponds.

Notwithstanding Title 17, section 2267-A, subsection 3, the owner or operator of a snowmobile that has been submerged or partially submerged as a result of a violation of this subsection shall remove the snowmobile within 24 hours of its submersion. The owner or operator of a snowmobile submerged or partially

submerged as a result of a violation of this subsection shall pay any damages resulting from the submersion or removal. If the owner or operator of a snowmobile submerged or partially submerged as a result of a violation of this subsection fails to remove the snowmobile within 24 hours of its submersion, the commissioner may remove the snowmobile at the expense of the owner or operator or request in writing that the court direct the owner or operator to remove the snowmobile immediately.

Sec. 2. 12 MRSA §7901-A, sub-§12, ¶B, as amended by PL 2001, c. 471, Pt. G, §§11 and 12 and affected by §13, is further amended to read:

B. Chapter 715, subchapter II violations:

- (1) Operating an unregistered snowmobile as described in section 7827, subsection 1;
- (2) Operating a snowmobile upon a controlled access highway as described in section 7827, subsection 2;
- (3) Unlawfully operating a snowmobile on a plowed road as described in section 7827, subsection 3;
- (4) Operating a snowmobile on a public way as described in section 7827, subsection 4;
- (5) Unlawfully operating a vehicle on a snowmobile trail as described in section 7827, subsection 4-A;
- (6) Failure to stop a snowmobile before entering a public way as described in section 7827, subsection 5;
- (7) Failure to yield the right-of-way while operating a snowmobile as described in section 7827, subsection 6;
- (8) Crossing a closed bridge, culvert, overpass or underpass with a snowmobile as described in section 7827, subsection 7;
- (9) Unlawfully operating a snowmobile while under age as described in section 7827, subsection 12;
- (10) Permitting an unaccompanied child to operate a snowmobile as described in section 7827, subsection 13;
- (11) Operating a snowmobile that exceeds the noise limit as described in section 7827, subsection 14;
- (12) Unlawfully modifying a snowmobile as described in section 7827, subsection 15;

(13) Operating a snowmobile with insufficient lights as described in section 7827, subsection 16;

(14) Failure to use snowmobile lights as described in section 7827, subsection 17;

(15) Unlawfully operating a snowmobile on railroad tracks as described in section 7827, subsection 18;

(16) Operating a snowmobile in a cemetery as described in section 7827, subsection 19;

(17) Operating a snowmobile too close to certain buildings as described in section 7827, subsection 20;

(18) Unlawfully permitting operation of a snowmobile as described in section 7827, subsection 21;

(19) Failure to report an accident as described in section 7827, subsection 22;

(20) Unlawful issuance of snowmobile registration as described in section 7827, subsection 24; ~~and~~

(21) Renting or leasing a snowmobile as described in section 7827, subsection 26; and

(22) Failure to remove a submerged or partially submerged snowmobile as described in section 7827, subsection 22-A; and

Sec. 3. 17 MRSA §2267-A, as amended by PL 1995, c. 65, Pt. A, §52 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

§2267-A. Submerged motor vehicles, snowmobile and motorboats in waters of the State

The following provisions apply when a motor vehicle is submerged or partially submerged in waters of the State or when a snowmobile or motorboat is submerged in the inland waters of the State.

1. Definition. When used in this section the term "motor vehicle" means any self-propelled vehicle designed to carry persons or property or used to transport persons, except snowmobiles and ~~motor boats~~ motorboats.

2. Notice of submerged vehicle, snowmobile or motorboat to be given to department. The owner of any motor vehicle ~~which~~ that becomes submerged or partially submerged in the waters of the State, shall immediately, by the fastest means of communication, notify the Commissioner of Inland Fisheries and

Wildlife of the event and the location of the vehicle. The owner of a snowmobile or motorboat that becomes submerged in the inland waters of the State for more than 24 hours shall notify the commissioner as provided in this subsection.

The commissioner shall, upon receiving notice of a submerged or partially submerged vehicle in the waters of the State or a submerged snowmobile or motorboat in the inland waters of the State, notify the Chief of the State Police, the Commissioner of Environmental Protection and any municipality or public utility ~~which~~ that regulates the uses of the waters as a source of public water supply pursuant to Title 22, sections 2641 to 2648.

3. Owner legally liable to remove vehicle, snowmobile or motorboat. The owner of the vehicle ~~shall be~~ is legally liable to remove any motor vehicle submerged or partially submerged in the waters of the State and pay any damages resulting from the submersion or removal. The vehicle ~~shall~~ must be removed within 30 days of the submersion or partial submersion or within 30 days of "ice out" in the body of water unless the commissioner determines that the vehicle creates a health or safety hazard. If the commissioner determines that the vehicle creates a health or safety hazard ~~he~~ the commissioner shall order the owner to remove the vehicle immediately. If the owner fails to remove the vehicle upon order of the commissioner, the commissioner shall, in writing, request the court to direct the owner to remove the vehicle immediately. The owner of a snowmobile or motorboat that is submerged in the inland waters of this State for longer than 24 hours shall remove the snowmobile or motorboat in accordance with this subsection.

4. Financial responsibility. A conviction or adjudication of any person for a violation of this section constitutes a violation of state law relative to motor vehicles to which Title 29-A, chapter 13 applies.

5. Penalties. ~~A conviction or adjudication of any person for a violation of this section is a civil violation for which a forfeiture of \$200 may be adjudged. In addition to a forfeiture, or instead of a forfeiture, the judge may direct the person convicted to remove the vehicle,~~ snowmobile or motorboat.

6. Rules. The commissioner may, in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375, promulgate any rules necessary to carry out the purposes of this chapter.

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

Effective March 18, 2002.

CHAPTER 537

H.P. 1446 - L.D. 1943

An Act to Clarify Municipal Reapportionment Authority

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

Sec. 1. 30-A MRS §2503, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §105 and amended by PL 1989, c. 6, c. 9, §2, and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Failure to enact ordinance. The municipal legislative body must enact the reapportionment ordinance within ~~18~~ 12 months after the ~~official publication of the latest decennial census as required by the United States Code, Title 13, Section 141, paragraph (c); provided that~~ Legislature has reapportioned the House and Senate districts pursuant to the Constitution of Maine, Article IV, Part First, Section 3 and Article IV, Part Second, Section 2 or after a court decision finalizing the reapportionment of districts. ~~The ordinance is~~ must be enacted at least 90 days before a regular municipal election occurring within that ~~18-month~~ 12-month period or the previous reapportionment ordinance applies to that election. If the legislative body fails to ~~do so~~ enact an ordinance within the 12-month period or at least 90 days before a regular election occurring after the 12-month period, all municipal officers to be elected ~~shall~~ must be elected at large and ~~shall~~ serve until their terms expire. Such at-large elections ~~shall~~ continue until the legislative body enacts an ordinance in accordance with subsection 1 at least 90 days before a regular municipal election.

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2001.

See title page for effective date.

CHAPTER 538

H.P. 1512 - L.D. 2015

An Act to Amend Certain Statutes Regarding Beano and Games of Chance