

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

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.

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## 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.

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## CHAPTER 538

H.P. 1512 - L.D. 2015

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

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

**Sec. 1. 17 MRSA §316**, as enacted by PL 1975, c. 307, §2, is amended to read:

**§316. Evidence**

The Chief of the State Police may require such evidence as ~~he~~ the chief may ~~deem~~ determine necessary to satisfy ~~him~~ the chief that an applicant or organization licensed to conduct beano conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding ~~which~~ that outline or otherwise explain the purpose for which organizations were founded ~~shall~~ must, upon request, be forwarded to the Chief of the State Police. The Chief of the State Police may require such evidence as the chief may determine necessary regarding the conduct of beano by a licensee to determine compliance with this chapter.

**Sec. 2. 17 MRSA §332, sub-§1**, as amended by PL 1993, c. 730, §1, is further amended to read:

**1. Organizations eligible.** Notwithstanding other provisions of law, the Chief of the State Police may issue a license to operate a game of chance to an agricultural society eligible for the state stipend under Title 7, section 62, or to a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization, or to a volunteer fire department or to an auxiliary of any of these organizations, any of which must be founded, chartered or organized in this State for a period of not less than 2 consecutive years before applying for a license.

**Sec. 3. 17 MRSA §334**, as amended by PL 1981, c. 593, §3, is further amended to read:

**§334. Evidence**

The Chief of the State Police may require such evidence as ~~he~~ the chief may ~~deem~~ determine necessary to satisfy ~~him~~ the chief that an applicant or organization licensed to conduct games of chance conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding ~~which~~ that outline or otherwise explain the purpose for which such organization was founded, ~~shall~~ must, upon request, be forwarded to the Chief of the State Police. The Chief of the State Police may require of any licensee or of any person operating, conducting or assisting in the operation of a licensed game of chance evidence as ~~he~~ the chief may ~~deem~~ determine necessary to satisfy ~~him~~ the chief that the person is a duly authorized member of the licensee, or a person employed by the licensee as a bartender, as required

by section 332, subsection 2. Upon request, this evidence ~~shall~~ must be forwarded to the Chief of the State Police. The Chief of the State Police may require such evidence as the chief may determine necessary regarding the conduct of games of chance by a licensee to determine compliance with this chapter.

**Sec. 4. 17 MRSA §341, sub-§4**, as amended by PL 2001, c. 384, §1 and affected by §3, is further amended to read:

**4. Games conducted at agricultural fairs by members of agricultural society or bona fide nonprofit.** Beginning January 1, 2002, games of chance operated and conducted solely by members of an agricultural fair society or games of chance operated and conducted by members of bona fide nonprofit organizations on the grounds of the agricultural society and during the annual fair of the agricultural society may use cash, tickets, tokens or other device approved by the Chief of the State Police by rule.

Notwithstanding any other provision of this section, the tickets, tokens or other device approved by the Chief of the State Police must be unique to the agricultural society and may be in denominations ~~from~~ of 25¢ ~~to~~, 50¢ or \$1. The tickets, tokens or device approved by the Chief of the State Police may be sold and redeemed only by a person who has been a member or active volunteer of the agricultural society for at least 2 fair seasons. The agricultural society has the burden of proof for demonstrating the qualification of members or active volunteers.

See title page for effective date.

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**CHAPTER 539**

**H.P. 1515 - L.D. 2019**

**An Act to Protect Victims of Domestic Violence, Sexual Assault and Stalking**

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

**Sec. 1. 5 MRSA §90-B** is enacted to read:

**§90-B. Address Confidentiality Program**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Address" means a residential street, school or work address of an individual, as specified on