

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

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SECOND REGULAR SESSION
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PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
2002

CHAPTER 610

S.P. 746 - L.D. 2078

An Act to Ban the Use of Aircraft While Hunting**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 12 MRSA §7001, sub-§§1-G and 2-A** are enacted to read:**1-G. Aircraft.** "Aircraft" means any machine or device designed for flight.**2-A. Big game.** "Big game" means bear, deer and moose.**Sec. 2. 12 MRSA §7406, sub-§24** is enacted to read:**24. Airborne hunting.** A person on the ground or airborne may not use an aircraft to aid or assist in hunting big game.**Sec. 3. 12 MRSA §7901-A, sub-§6, ¶A,** as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

A. Chapter 709, subchapter I violations:

- (1) Shooting at or near wildfowl decoys as described in section 7406, subsection 11;
- (2) Hunting without hunter orange clothing as described in section 7406, subsection 12; ~~and~~
- (3) Allowing a junior hunter to hunt without adult supervision as described in section 7406, subsection 21; and
- (4) Using an aircraft to aid or assist in hunting big game as described in section 7406, subsection 24 if the violation does not involve the taking of a big game animal;

Sec. 4. 12 MRSA §7901-A, sub-§7, ¶E, as enacted by PL 2001, c. 421, Pt. B, §88 and affected by Pt. C, §1, is amended to read:

E. The following are Class E crimes for which the court shall impose a fine of not less than \$500, none of which may be suspended:

- (1) Illegally hunting wild turkeys as described in section 7469, subsection 1; ~~and~~
- (2) Illegally possessing wild turkeys as described in section 7469, subsection 2; and

(3) Using an aircraft to aid or assist in hunting big game as described in section 7406, subsection 24 if the violation involves the taking of a big game animal.~~The~~ In the case of crimes described in subparagraphs (1) and (2), the court also shall impose a fine of \$500 for each turkey illegally possessed or killed, none of which may be suspended.

See title page for effective date.

CHAPTER 611

H.P. 1580 - L.D. 2089

An Act Concerning the Disposal and Storage of Cremains**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 32 MRSA §1405-A** is enacted to read:**§1405-A. Disposition of cremains**A funeral director or a practitioner of funeral services who receives cremains or has received cremains prior to the effective date of this section may dispose of those cremains in accordance with Title 13, section 1032, providing the following conditions have been met:**1. Cremains not claimed for 4 years.** The cremains have not been claimed after a time period of at least 4 years from the time of cremation; and**2. Notice.** The funeral director or practitioner of funeral services has sent notice by certified mail, return receipt requested, to the last known address of the person who authorized the cremation at least 60 days prior to disposal.

See title page for effective date.

CHAPTER 612

H.P. 1599 - L.D. 2100

An Act to Provide for Notice of Termination, Nonrenewal or Change in Terms of Certain Leases**Be it enacted by the People of the State of Maine as follows:****Sec. 1. 14 MRSA c. 710-D** is enacted to read:

CHAPTER 710-D**BUILDINGS ON LEASED LOTS****§6047. Application**

1. Parties to agreement; purposes of agreement. This chapter applies to agreements between:

A. A person, referred to in this chapter as the "lessor," who owns land in territory under jurisdiction of the Maine Land Use Regulation Commission; and

B. A person, referred to in this chapter as the "lessee," who intends to construct or to occupy a building or buildings owned by that person on leased land in territory under jurisdiction of the Maine Land Use Regulation Commission for recreational or residential purposes on a seasonal or year-round basis or to operate a business consisting of a commercial sporting camp, campground or retail store.

2. Prospective application. This chapter applies to agreements entered into or renewed on or after the effective date of this chapter.

§6048. Written lease and description required

An agreement described in section 6047 must be made in the form of a written lease and must include at least a general description of the boundaries of the land to be leased.

§6049. Required notice

1. Required notice of change in terms. A lessor must give a lessee at least 30 days' notice of a change in the terms of a lease.

2. Required notice of termination. Unless the lease is terminated for cause, a lessor must give notice to a lessee of the intent to terminate the lease at least one year prior to the effective date of the termination. All terms of the lease remain in effect following the notice, except that:

A. Termination provisions of the lease to the extent inconsistent with this section are void, beginning on the date the notice is provided;

B. The lessee may terminate the lease earlier than the effective date provided in the notice; and

C. If the lessee violates the lease during the period between the giving of the notice and the termination date provided in the notice, this section no longer applies and the lessee has only the rights provided in the lease.

For purposes of this subsection, "cause" means violation by a lessee of a term of a lease.

See title page for effective date.

CHAPTER 613

H.P. 1566 - L.D. 2071

**An Act to Amend the Law Relating
to Growth-related Capital
Investments**

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

Sec. 1. 30-A MRSA §4301, sub-§5-B, as enacted by PL 1999, c. 776, §7, is amended to read:

5-B. Growth-related capital investment. "Growth-related capital investment" means investment by the State in only the following projects, even if privately owned, whether using state, federal or other public funds and whether in the form of a purchase, lease, grant, loan, loan guarantee, credit, tax credit or other financial assistance:

A. Construction or acquisition of newly constructed multifamily rental housing;

B. Development of industrial or business parks;

C. Construction or extension of sewer, water and other utility lines;

D. Grants and loans for public or quasi-public service infrastructure, public or quasi-public facilities and community buildings; and

E. Construction or expansion of state office buildings, state courts, hospitals and other quasi-public facilities and other ~~state~~ civic buildings that serve public clients and customers.

"Growth-related capital investment" does not include investment in the following: the operation or maintenance of a governmental or quasi-governmental facility or program; the renovation of a governmental facility that does not significantly expand the facility's capacity; general purpose aid for education; school construction or renovation projects; highway or bridge projects; programs that provide direct financial assistance to individual businesses; community revenue sharing; or public health programs.

Sec. 2. 30-A MRSA §4349-A, sub-§1, ¶C, as enacted by PL 1999, c. 776, §10, is amended to read:

C. Areas other than those described in paragraph A or B for the following projects: