

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

written material or illustrations, and that is issued not less frequently than once a year, if the person making the solicitation does not solicit customers by telephone but only receives calls initiated by customers in response to the catalog and during those calls takes orders without further solicitation. For purposes of this paragraph, the term "further solicitation" does not include providing the customer with information about, or attempting to sell, any other item included in the same catalog that prompted the customer's call or in a substantially similar catalog.

2. Prohibition. Except as provided in subsection 3, it is an unfair trade practice, as prohibited by Title 5, section 207, for a seller or telemarketer to fail to transmit or cause to be transmitted the telephone number and, when made available by the telemarketer's carrier, the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call.

3. Exception. It is not a violation of subsection 2 for a seller or telemarketer to substitute for the name and telephone number used in or billed for making the call:

A. The name of the seller or charitable organization on whose behalf the telemarketing call is placed; and

B. The seller's or charitable organization's customer or donor service telephone number that is answered during regular business hours.

Sec. 2. Effective date. This Act takes effect January 29, 2004.

Effective January 29, 2004.

CHAPTER 71

H.P. 280 - L.D. 360

An Act To Strengthen the Animal Control Laws

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

Sec. 1. 7 MRSA §3952, first ¶, as enacted by PL 1999, c. 350, §2, is amended to read:

A person who owns or keeps a dangerous dog commits a civil violation for which ~~a forfeiture of not more than \$1,000, plus costs, may be adjudged~~ the court shall adjudge a fine of not less than \$250 and not

more than \$1,000, plus costs, none of which may be suspended.

See title page for effective date.

CHAPTER 72

S.P. 191 - L.D. 551

An Act To Suspend Property Tax Abatement Appeals When the Taxpayer Fails To Pay Taxes

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

Whereas, there are currently property tax abatement appeals before the State Board of Property Tax Review that would be affected by this legislation; and

Whereas, the municipalities involved in these appeals are significantly affected by the failure of significant taxpayers to make current tax payments; 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. 36 MRSA §844, sub-§4, as amended by PL 1995, c. 262, §8, is further amended to read:

4. Payment requirements for taxpayers. If the taxpayer has filed an appeal under this section without having paid an amount of current taxes equal to the amount of taxes paid in the next preceding tax year, provided that amount does not exceed the amount of taxes due in the current tax year, or the amount of taxes in the current tax year not in dispute, whichever is greater, by or after the due date, or according to a payment schedule mutually agreed to in writing by the taxpayer and the municipal officers, the appeal process must be suspended until the taxes, together with any accrued interest and costs, have been paid. If an appeal is in process upon expiration of a due date or written payment schedule date for payment of taxes in a particular municipality, without the appropriate amount of taxes having been paid, whether the taxes are due for the year under appeal or a subsequent tax year, the appeal process must be suspended until the appropriate amount of taxes described in this subsection, together with any accrued interest and costs, has

been paid. This section applies to any property tax year ~~beginning~~ appeal filed on or after April 1, 1993. This section does not apply to property with a valuation of less than \$500,000.

Sec. 2. Application. This Act applies to appeals pending or filed on or after the effective date of this Act.

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

Effective April 18, 2003.

CHAPTER 73

H.P. 192 - L.D. 237

An Act To Improve the Coyote Control Program

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

Sec. 1. 12 MRSA §7035, sub-§3, ¶B, as amended by PL 1999, c. 636, §1, is repealed.

Sec. 2. 12 MRSA §7035, sub-§3, ¶B-1 is enacted to read:

B-1. An agent may use snares to control coyotes during winter months under the following conditions.

(1) Agents may use snares only for animal damage control purposes to help meet management goals established by the commissioner for deer, threatened or endangered species or other wildlife species or to benefit agricultural interests as described in paragraph C.

(2) Agents must be trained and certified by the department in the use of snares.

(3) Agents must be deployed by a department wildlife biologist before setting snares.

(4) Agents shall post access points to areas in which snaring activity is taking place, including, but not limited to, roads and trails for motorized vehicles, cross-country skiers or hikers or other obvious travel ways that may be used by people.

(5) An agent shall plainly label snares with the full name and address of that agent.

(6) An agent shall keep an accurate record of the number and location of snares set by that agent and must be able to account for those snares at all times.

(7) An agent shall check that agent's snares that are equipped with relaxing locks on a daily basis.

(8) Department employees may accompany agents at any time an agent is checking snares.

(9) Agents shall report monthly to the department on forms provided by the department the coyotes and nontarget species taken by snaring during the reporting period.

(10) The commissioner shall revoke the snaring certificate of an agent who violates any provision of this paragraph.

The commissioner shall adopt policies and procedures on the use of snares as necessary to minimize the potential for taking nontarget species and to adequately protect threatened and endangered species.

See title page for effective date.

CHAPTER 74

S.P. 127 - L.D. 351

An Act To Promote Clarity Regarding Death Certificates

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

Whereas, current law requires that a death certificate be completed in typewritten or handwritten block style; and

Whereas, death certificates have been rejected for filing because they were completed by hand without meeting the strict requirements of "block style"; and

Whereas, death certificates should be accepted for filing if they are completed in a hand-printed style that is legible; 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,