

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

Sec. 1. 12 MRSA §7801, sub-§33, as amended by PL 1999, c. 436, §1, is further amended to read:

33. Operating airmobile or motorboat that exceeds noise limits. A person is ~~guilty of operating a watercraft that exceeds the noise limit if that person operates~~ may not operate an airmobile or motorboat in such a manner as to exceed:

A. A noise level of 90 decibels when subjected to a stationary sound level test ~~with and without cutouts engaged and~~ as prescribed by the commissioner; or

B. A noise level of 75 decibels when subjected to an operational test measured ~~with and without cutouts engaged and~~ as prescribed by the commissioner.

A person who violates this subsection commits a civil violation for which a fine of not less than \$300 nor more than \$500 may be adjudged.

This subsection does not apply to motorboats that are operating in a regatta or race approved by the commissioner under section 7797.

Sec. 2. 12 MRSA §7901-A, sub-§12, ¶A, as amended by PL 2001, c. 667, Pt. A, §30, is further amended by repealing subparagraph (30).

Sec. 3. 38 MRSA §423, first ¶, as amended by PL 1989, c. 502, Pt. B, §49, is further amended to read:

No person, firm, corporation or other legal entity may discharge, spill or permit to be discharged sewage, septic fluids, garbage or other pollutants from watercraft, as defined in Title 12, section 7791, subsection 14, and including houseboats, into inland waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow into such waters.

See title page for effective date.

CHAPTER 278

H.P. 1031 - L.D. 1404

An Act Concerning Representation of the State in Disclosure Hearings

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

Whereas, in order for the Department of the Attorney General to more efficiently serve and

represent the State, this legislation needs immediate enactment; 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. 4 MRSA §807, sub-§3, ¶L, as amended by PL 1999, c. 139, §2, is further amended to read:

L. A person who is not an attorney, but who is representing the Department of Agriculture, Food and Rural Resources in accordance with Title 7, section 3909, subsection 2; ~~or~~

Sec. 2. 4 MRSA §807, sub-§3, ¶M, as enacted by PL 1999, c. 139, §3, is amended to read:

M. A law enforcement officer, as defined in Title 29-A, section 101, subsection 30, who is not an attorney but who is representing the State in the prosecution of a traffic infraction, as defined in Title 29-A, section 101, subsection 85, when representation in that matter has been approved by the prosecuting attorney; or

Sec. 3. 4 MRSA §807, sub-§3, ¶N is enacted to read:

N. A person who is not an attorney, but is representing the State under section 807-A.

Sec. 4. 4 MRSA §807-A, as amended by PL 1997, c. 526, §14, is further amended to read:

§807-A. Representation by Bureau of Unemployment Compensation, Department of the Attorney General or Bureau of Revenue Services employees

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Unemployment Compensation may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes and overpayments for which warrants have been issued pursuant to Title 26, chapter 13.

Upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Revenue Services may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter

502, ancillary to the collection of taxes for which warrants have been issued pursuant to Title 36, and may represent the State Tax Assessor in arraignment proceedings in District Court in cases in which a criminal complaint has been filed alleging violation of Title 36, section 2113, 3234 or 5332.

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Department of the Attorney General may serve civil process and represent the State in District Court in disclosure proceedings pursuant to Title 14, chapter 502.

If the Supreme Judicial Court adopts rules under this section, the rules must include the establishment of standards and a method to certify employees of the Bureau of Unemployment Compensation, the Department of the Attorney General and the Bureau of Revenue Services who may represent the State in court under this section as being familiar with court procedures.

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

Effective May 23, 2003.

CHAPTER 279

H.P. 1043 - L.D. 1424

An Act Relating to the Award of Attorneys' Fees and Damages under the Maine Human Rights Act

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

Sec. 1. 5 MRSA §4622, sub-§1, ¶B, as amended by PL 1993, c. 327, §3, is further amended to read:

B. Failed, within 90 days after finding reasonable grounds to believe that unlawful discrimination occurred, to enter into a conciliation agreement to which the plaintiff was a party; or

Sec. 2. 5 MRSA §4622, sub-§1, ¶C, as enacted by PL 1993, c. 327, §4, is amended to read:

C. Issued a right-to-sue letter under section 4612, subsection 6 and the action was brought by the aggrieved person not more than 2 years after the act of unlawful discrimination of which the complaint was made as provided in section 4613, subsection 2, paragraph C; or

Sec. 3. 5 MRSA §4622, sub-§1, ¶D is enacted to read:

D. Dismissed the case in error.

See title page for effective date.

CHAPTER 280

H.P. 1064 - L.D. 1456

An Act To Establish the Landowners and Sportsmen Relations Advisory Board

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

Sec. 1. 5 MRSA §12004-I, sub-§49-C is enacted to read:

<u>49-C.</u>	<u>Landowners</u>	<u>Not</u>	<u>12</u>
<u>Inland</u>	<u>and Sports-</u>	<u>Authorized</u>	<u>MRSA</u>
<u>Fisheries</u>	<u>men Relations</u>		<u>§7038</u>
<u>and</u>	<u>Advisory</u>		
<u>Wildlife</u>	<u>Board</u>		

Sec. 2. 12 MRSA §7038 is enacted to read:

§7038. Advisory board established

1. Appointment and composition. The Landowners and Sportsmen Relations Advisory Board, referred to in this chapter as "the advisory board" and established by Title 5, section 12004-I, subsection 49-C, consists of members as follows:

A. Three ex officio members:

- (1) The commissioner or the commissioner's designee;
- (2) The Commissioner of Environmental Protection or the commissioner's designee; and
- (3) The Commissioner of Conservation or the commissioner's designee;

B. Nine members, appointed by the Governor, representing landowners:

- (1) One representative of a statewide small woodland owners association;
- (2) One representative of corporate landowners;
- (3) One representative of a statewide forest products organization;