

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

3 or more crimes punishable by a term of imprisonment of less than one year or of crimes classified under the laws of a state as a misdemeanor and punishable by a term of imprisonment of 2 years or less?

(aa) Have you been adjudicated in any jurisdiction within the past 5 years to have committed 3 or more juvenile offenses described in division (o)?

(bb) To your knowledge, have you engaged within the past 5 years in reckless or negligent conduct that has been the subject of an investigation by a governmental entity?

(cc) Have you been convicted in a Maine court within the past 5 years of any Title 17-A, chapter 45 drug crime?

(dd) Have you been adjudicated in a Maine court within the past 5 years as having committed a juvenile offense involving conduct that, if committed by an adult, would have been a violation of Title 17-A, chapter 45?

(ee) Have you been adjudged in a Maine court to have committed the civil violation of possession of a useable amount of marijuana, butyl nitrite or isobutyl nitrite in violation of Title 22, section 2383 within the past 5 years?

(ff) Have you been adjudicated in a Maine court within the past 5 years as having committed the juvenile crime defined in Title 15, section 3103, subsection 1, paragraph B of possession of a useable amount of marijuana, as provided in Title 22, section 2383?; and

Sec. 5. 25 MRSA §2003, sub-§2, ¶A-1, as amended by PL 2001, c. 549, §6, is further amended to read:

A-1. That the applicant understands that an affirmative answer to the question in subsection 1, paragraph D, subparagraph (5), division ~~(e)~~ ~~(e-1)~~ ~~(l)~~ or (o) is cause for refusal unless the applicant is nonetheless authorized to possess a firearm under Title 15, section 393;

Sec. 6. 25 MRSA §2003, sub-§2, ¶A-2 is enacted to read:

A-2. That the applicant understands that an affirmative answer to subsection 1, paragraph D, subparagraph (5), division (p) is cause for refusal if the order of the court meets the preconditions contained in Title 15, section 393, subsection 1, paragraph D. If the order of the court does not meet the preconditions, the conduct underlying the order may be used by the issuing authority, along with other information, in judging good moral character under subsection 4;

Sec. 7. 25 MRSA §2003, sub-§2, ¶B, as amended by PL 2001, c. 549, §7, is further amended to read:

B. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions ~~(d)~~ ~~(k)~~ (a), (k), (n) or (q) to (x) is cause for refusal;

Sec. 8. 25 MRSA §2003, sub-§2, ¶B-1, as amended by PL 1993, c. 524, §9, is further amended to read:

B-1. That the applicant understands that an affirmative answer to one or more of the questions in subsection 1, paragraph D, subparagraph (5), divisions (a), (b), ~~(b-1)~~, ~~(e-1)~~, (l), (m), (n) and ~~(o)~~ ~~(s)~~ (b) to (j), (m), (y), (z) or (aa) to (ff) is used by the issuing authority, along with other information, in judging good moral character under subsection 4; and

See title page for effective date.

CHAPTER 342

S.P. 516 - L.D. 1537

An Act Regarding the Maine Military Authority and the Sale of the Fort Fairfield Armory

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

Whereas, the Maine Military Authority is encountering substantial difficulties in executing its cooperative agreements with the United States Department of Defense, National Guard Bureau because it is not absolutely clear that the Maine Military Authority, while not part of the State's combat forces that may be activated by the Governor, is part of the Maine National Guard within the Department of Defense, Veterans and Emergency Management, Military Bureau; and

Whereas, the Military Bureau, Maine National Guard employs close to 200 employees at the former Loring Air Force Base and the Maine Military Authority is funded solely by federal funds; and

Whereas, the Military Bureau, Maine National Guard plans to bid on a large federal contract within the next few months before nonemergency legislation would take effect and clarification in this Act will facilitate the continued operation and expansion of the Maine Military Authority; and

Whereas, the Adjutant General needs legislative confirmation that transferring the Fort Fairfield Armory to the Town of Fort Fairfield for the negotiated price is within the parameters set forth by the Legislature; and

Whereas, the Town of Fort Fairfield has secured grant funding to rehabilitate the armory and must take ownership of the armory as soon as possible or risk losing the grant money; 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. 37-B MRSA §101, as enacted by PL 1983, c. 460, §3, is amended to read:

§101. Purpose

The Military Bureau ~~shall have~~ has jurisdiction over and responsibility for the administration of the state military forces and the Maine Military Authority.

Sec. 2. 37-B MRSA §102, sub-§1, ¶A, as enacted by PL 1983, c. 460, §3, is amended to read:

A. The Maine Army National Guard and the Maine Air National Guard, referred to in this Title as the "National Guard," when either or both are not in federal service, but not the Maine Military Authority; and

Sec. 3. 37-B MRSA §264, sub-§3, ¶I, as enacted by PL 2001, c. 662, §29, is amended to read:

I. The Fort Fairfield Armory located at 25 Columbia Street, Fort Fairfield by means of a quit-claim deed, subject to all easements of record, to the inhabitants of the Town of Fort Fairfield for the sum of \$1 as long as the inhabitants of the Town of Fort Fairfield agree to indemnify and hold harmless the State from all claims, including any environmental clean-up costs that may

arise from the land or buildings constituting the Fort Fairfield Armory and this transfer is determined to be a transfer for not less than appraised value as specified in subsection 1 in view of the economic conditions of northern Aroostook County, the financial contributions made by the Town of Fort Fairfield to the armory and the environmental conditions existing at the site.

Sec. 4. 37-B MRSA §391, as enacted by PL 2001, c. 374, §8, is amended to read:

§391. Maine Military Authority established

The Maine Military Authority is established as a body corporate and politic and a public instrumentality of the ~~State~~ Military Bureau, Maine National Guard, and the exercise of the powers conferred by this chapter is deemed and held to be the performance of essential governmental functions. The authority consists of the Maine Readiness Sustainment Maintenance Center and shall report to the Adjutant General. The authority exists for the purpose of, but is not limited to, operating the existing Maine Readiness Sustainment Maintenance Center, which maintains, rebuilds, repairs, stores and manufactures equipment for the United States Department of Defense, National Guard Bureau, and maintaining, rebuilding, repairing, storing and manufacturing equipment for the State and its political subdivisions, for the United States Department of the Army, Department of the Air Force, Department of the Navy and Department of the Treasury and for foreign governments in conjunction with the foreign military sales program of the United States Department of Defense.

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

Effective May 29, 2003.

CHAPTER 343

H.P. 1068 - L.D. 1463

An Act To Amend Maine's Arborist Licensing Laws

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

Sec. 1. 7 MRSA §2181, first ¶, as enacted by PL 1999, c. 84, §3, is amended to read:

A license may not be issued under this subchapter, except to an individual who is 18 years of age or older, who is specifically qualified as defined in this subchapter, who passes an examination and who gives proof of financial responsibility in amounts to be