

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

commercial race track due to the inability to meet the requirements of section 275-A, subsection 9-A because of a horse shortage, as verified by the state steward, is counted as a race date ~~for the purpose of meeting the requirements of section 275-A, subsection 4.~~

**Sec. 15. 8 MRSA §279-D** is enacted to read:

**§279-D. Insurance**

Beginning January 1, 2004, applicants for an owner's license must provide proof of liability insurance on horses owned by the applicant in an amount not less than \$300,000. Copies of that liability insurance coverage must accompany the application for an owner's license.

**Sec. 16. 8 MRSA §283**, as amended by PL 1999, c. 482, §5, is further amended to read:

**§283. Reciprocal disciplinary action**

The department shall act to obtain current listings from other states racing jurisdictions of persons in harness racing occupations regulated by the state racing jurisdiction who have been refused a license or who have had their license revoked or suspended. The commission shall refuse to license or shall suspend the license of these persons until notification that they are again eligible for licensing in the state racing jurisdiction or states racing jurisdictions in question.

**Sec. 17. 8 MRSA §285, sub-§2, ¶C**, as enacted by PL 1997, c. 528, §46 and affected by §47, is amended to read:

C. Notwithstanding paragraphs A and B:

- (1) All meetings and records of the board are subject to the provisions of Title 1, chapter 13, subchapter 1;
- (2) For the purposes of the Maine Tort Claims Act, the board is a governmental entity and its employees are employees as those terms are defined in Title 14, section 8102. The board and its employees are considered a state agency for purposes of Title 5, section 191;
- (3) Funds received by the board pursuant to this chapter must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and
- (4) Except for representation of specific interests required by subsection 3, members of the board are governed by the conflict of interest provisions set forth in Title 5, section 18.

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

Effective June 3, 2003.

**CHAPTER 402**

**H.P. 1172 - L.D. 1598**

**An Act To Ensure Access to Intelligence and Investigative Information**

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

**Sec. 1. 16 MRSA §614, sub-§3, ¶¶B and C**, as enacted by PL 2001, c. 532, §2, are amended to read:

- B. A state agency responsible for investigating abuse, neglect or exploitation of children under Title 22, chapter 1071 or incapacitated or dependent adults under Title 22, chapter 958-A for use in the investigation of suspected abuse, neglect or exploitation; ~~or~~
- C. An accused person or that person's agent or attorney if authorized by:
  - (1) The district attorney for the district in which that accused person is to be tried;
  - (2) A rule or ruling of a court of this State or of the United States; or
  - (3) The Attorney General; or

**Sec. 2. 16 MRSA §614, sub-§3, ¶D** is enacted to read:

D. A victim or victim's agent or attorney, subject to reasonable limitations to protect the interest described in subsection 1.

See title page for effective date.

**CHAPTER 403**

**H.P. 1087 - L.D. 1482**

**An Act To Revise Certain Provisions of Maine's Fish and Wildlife Laws**

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

**Whereas**, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

**Whereas**, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

**Whereas**, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of the State; 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. 12 MRSA §7001, sub-§1-H** is enacted to read:

**1-H. Aquarium.** "Aquarium," for purposes of importing and possessing nonnative and exotic species, means an enclosed container, having a closed operating system, for purposes of displaying fish or other aquatic organisms that is located within a home, exhibition building or other permanent all-season structure and that does not allow the discharge of water or aquatic organisms into the inland waters of the State.

**Sec. 2. 12 MRSA §7035, sub-§1, ¶B**, as amended by PL 2001, c. 387, §4, is further amended to read:

B. A municipality or political subdivision of the State may not enact any ordinance, law or rule regulating the hunting, trapping or fishing for any species of fish or wildlife; the operation, registration or numbering of all-terrain vehicles, watercraft or snowmobiles; or any other subject matter of chapter 715, subchapters I 1 and H 2. For purposes of this paragraph, except as provided in subparagraphs (3) and (4), the regulation of fishing includes the regulation of ice fishing shacks. Nothing in this paragraph may be construed to prohibit the following:

- (1) The enactment of any ordinance generally regulating the discharge of firearms in a municipality or any part of a municipality;
- (2) The adoption of rules as authorized in section 7792;

(3) The enactment of any ordinance regulating ice fishing shacks on sources of public water supply as provided under Title 22, section 2642; or

(4) The enactment of any ordinance regulating ice fishing shacks on coastal waters as defined in section 6001, subsection 6.

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

C. Notwithstanding paragraph B, a municipality may regulate the operation of all-terrain vehicles on municipal property and on rights-of-way and easements held by that municipality.

**Sec. 4. 12 MRSA §7035, sub-§8**, as amended by PL 1995, c. 667, Pt. A, §5, is further amended to read:

**8. Sale of publications.** If the commissioner determines it advisable for the more effective dissemination of factual information, information of public interest or information tending to promote better public relations, the commissioner may fix the price, if any, of certain publications and materials of the department, and sell and deliver them. Publications and materials included within this authority are all publications, articles, biological and statistical data, professional and technical service reports by departmental personnel and other materials in the department's possession and pertaining to the department, except publications of the laws ~~in whatever form~~ as described in section 7034, subsection 5. Fees may be established to offset the cost of printing extra copies of chapters 701 to 721 as provided in section 7034, subsection 6. These publications may not carry any advertising of a political nature, but may carry commercial advertising. The commissioner shall accept commercial advertising in the department's general circulation magazine entitled "Maine Fish and Wildlife" and any successor or similar publication developed by the department.

The commissioner may sell or lease video tapes, photographs or negatives owned by the department and may fix the price, if any, giving consideration to their fair market value.

**Sec. 5. 12 MRSA §7035, sub-§21**, as enacted by PL 2001, c. 223, §1, is amended to read:

**21. Disabled hunter, trapper and angler advisory committee.** The commissioner shall establish a disabled hunter, trapper and angler advisory committee composed of 4 disabled persons, ~~a licensed physician~~, a representative of state agencies that work on disability issues, 2 statewide organizations representing hunters, trappers or anglers, and one interested person. The purpose of the advisory

committee is to advise the commissioner on applications for a special permit under section 7076, subsection 16 and to provide recommendations to the commissioner on ways to promote and enhance access to hunting, fishing and trapping opportunities in this State for disabled persons. The commissioner shall meet with the advisory committee at least twice a year, once during the month of January, February or March and once during the month of July, August or September, to review applications for special permits to accommodate permanent physical disabilities provided for in section 7076, subsection 16 but may meet more often as the commissioner determines necessary. The commissioner may, within existing budgeted resources, reimburse advisory committee members for mileage or other expenses related to their attending meetings of the advisory committee.

**Sec. 6. 12 MRSA §7035, sub-§22** is enacted to read:

**22. Becoming an Outdoors Woman.** The Becoming an Outdoors Woman program is established in the department to encourage women to participate in hunting, fishing and other outdoor activities within the State. The commissioner may sponsor Becoming an Outdoors Woman events, establish appropriate fees for participation and accept money, goods and services donated to the department for the Becoming an Outdoors Woman program.

**Sec. 7. 12 MRSA §7071, sub-§8,** as amended by PL 1997, c. 137, §1, is repealed.

**Sec. 8. 12 MRSA §7073, sub-§3-A,** as repealed and replaced by PL 1997, c. 137, §3, is repealed.

**Sec. 9. 12 MRSA §7073, sub-§3-B,** as enacted by PL 1993, c. 459, §2 and affected by §3, is repealed.

**Sec. 10. 12 MRSA §7076, sub-§13-A** is enacted to read:

**13-A. Persons with acquired brain injury.** A complimentary license to fish must be issued to any person with a head injury as defined by Title 22, section 3086, upon application to the commissioner. This complimentary license remains effective for the life of the license holder, if the license is not revoked or suspended.

**Sec. 11. 12 MRSA §7079-B, sub-§3** is enacted to read:

**3. Suspension of license.** If a license or registration is suspended pursuant to Title 19-A, section 2201, the suspension remains in effect until the person is in compliance with a court order of support. On condition of payment of a \$25 reinstatement fee to the

department, the suspension is rescinded and the license reinstated.

**Sec. 12. 12 MRSA §7109, sub-§4, ¶C,** as enacted by PL 1985, c. 304, §12, is amended to read:

**C. Migratory Beginning January 1, 2004, migratory waterfowl hunting permits shall expire on June 30th following the season for which the permits were December 31st of the year issued. Permits issued in the year 2003 are valid for the 2003-2004 migratory waterfowl season.**

**Sec. 13. 12 MRSA §7161, sub-§1, ¶A,** as amended by PL 2001, c. 37, §1, is further amended to read:

A. For a resident who is less than 6 years of age:

(1) An infant resident lifetime fishing license. The fee for an infant resident lifetime fishing license is \$150;

(2) An infant resident lifetime hunting license. The fee for an infant resident lifetime hunting license is \$150;

(2-A) An infant resident lifetime archery hunting license. The fee for an infant resident lifetime archery hunting license is \$150;

(2-B) An infant resident lifetime trapping license. The fee for an infant resident lifetime trapping license is \$150;

(3) An infant resident combination of any 2 lifetime licenses. The fee for an infant resident combination of any 2 lifetime licenses is \$250; and

(4) An infant resident combination of all 3 lifetime licenses. The fee for an infant resident combination of all 3 lifetime licenses is \$400;

**Sec. 14. 12 MRSA §7161, sub-§1, ¶¶C and D,** as amended by PL 2001, c. 351, §2, are further amended to read:

C. For a resident from 6 to 15 years of age:

(1) A junior resident lifetime fishing license. The fee for a junior resident lifetime fishing license is \$300;

(2) A junior resident lifetime hunting license. The fee for a junior resident lifetime hunting license is \$300;

(2-A) A junior resident lifetime archery hunting license. The fee for a junior resi-

dent lifetime archery hunting license is \$300;

(2-B) A junior resident lifetime trapping license. The fee for a junior resident lifetime trapping license is \$300;

(3) A junior resident combination of any 2 lifetime licenses. The fee for a junior resident combination of any 2 lifetime licenses is \$500; and

(4) A junior resident combination of all 3 lifetime licenses. The fee for a junior resident combination of all 3 lifetime licenses is \$800.

A license under this paragraph may only be purchased on or after January 1, 2001;

D. For a resident from 65 to 69 years of age:

(1) A senior resident lifetime fishing license. The fee for a senior resident lifetime fishing license is \$50 for a person who purchases the license in the year in which that person turns 65 years of age, \$40 for a person who purchases the license in the year in which that person turns 66 years of age, \$30 for a person who purchases the license in the year in which that person turns 67 years of age, \$20 for a person who purchases the license in the year in which that person turns 68 years of age and \$10 for a person who purchases the license in the year in which that person turns 69 years of age;

(2) A senior resident lifetime hunting license. The fee for a senior resident lifetime hunting license is \$50 for a person who purchases the license in the year in which that person turns 65 years of age, \$40 for a person who purchases the license in the year in which that person turns 66 years of age, \$30 for a person who purchases the license in the year in which that person turns 67 years of age, \$20 for a person who purchases the license in the year in which that person turns 68 years of age and \$10 for a person who purchases the license in the year in which that person turns 69 years of age;

(2-A) A senior resident lifetime archery hunting license. The fee for a senior resident lifetime archery hunting license is \$50 for a person who purchases the license in the year in which that person turns 65 years of age, \$40 for a person who purchases the license in the year in which that person turns 66 years of age, \$30 for a person who

purchases the license in the year in which that person turns 67 years of age, \$20 for a person who purchases the license in the year in which that person turns 68 years of age and \$10 for a person who purchases the license in the year in which that person turns 69 years of age;

(2-B) A senior resident lifetime trapping license. The fee for a senior resident lifetime trapping license is \$50 for a person who purchases the license in the year in which that person turns 65 years of age, \$40 for a person who purchases the license in the year in which that person turns 66 years of age, \$30 for a person who purchases the license in the year in which that person turns 67 years of age, \$20 for a person who purchases the license in the year in which that person turns 68 years of age and \$10 for a person who purchases the license in the year in which that person turns 69 years of age;

(3) A senior resident combination of any 2 lifetime licenses. The fee for a senior resident combination of any 2 lifetime licenses is \$80 for a person who purchases the license in the year in which that person turns 65 years of age, \$64 for a person who purchases the license in the year in which that person turns 66 years of age, \$48 for a person who purchases the license in the year in which that person turns 67 years of age, \$32 for a person who purchases the license in the year in which that person turns 68 years of age and \$16 for a person who purchases the license in the year in which that person turns 69 years of age; and

(4) A senior resident combination of all 3 lifetime licenses. The fee for a senior resident combination of all 3 lifetime licenses is \$110 for a person who purchases the license in the year in which that person turns 65 years of age, \$94 for a person who purchases the license in the year in which that person turns 66 years of age, \$78 for a person who purchases the license in the year in which that person turns 67 years of age, ~~\$62~~ \$52 for a person who purchases the license in the year in which that person turns 68 years of age and ~~\$46~~ \$26 for a person who purchases the license in the year in which that person turns 69 years of age; and

**Sec. 15. 12 MRSA §7171, sub-§4, ¶C**, as amended by PL 2001, c. 667, Pt. C, §6, is further amended by amending subparagraph (11) to read:

(11) A person holding a smelt wholesaler's license must, at the time that person is engaged during the winter months in the taking of smelts, by any method other than hook and line, have a number 14 fish grader in operable condition in that person's immediate proximity during the taking of smelts and must use that grader during the smelt harvesting activity. The license holder must liberate immediately all undersized smelts alive into the waters from which they were taken. For the purpose of this subparagraph, a number 14 grader is a grader having a minimum grate size of 14/64 inches. This subparagraph does not apply to a smelt wholesale license holder who fishes with hook and line only.

**Sec. 16. 12 MRSA §7367, sub-§3, ¶A**, as amended by PL 1989, c. 883, §8, is further amended to read:

A. A written report of any accident occurring in connection with a whitewater trip conducted by that outfitter and ~~which that~~ results in the death of a person, a person's losing consciousness or receiving professional medical treatment, a person's becoming disabled for more than 24 hours, a person's disappearance from a whitewater craft under circumstances indicating death or injury, or damage to the whitewater craft or other property of more than ~~\$100~~ \$1,000; and

**Sec. 17. 12 MRSA §7451, sub-§2, ¶B**, as repealed and replaced by PL 1989, c. 913, Pt. A, §8, is repealed.

**Sec. 18. 12 MRSA §7457, sub-§1, ¶E**, as amended by PL 1983, c. 271, is further amended to read:

E. The commissioner may shorten the open season on deer in any part of the State, provided that:

(1) The demarcation of the areas with the shortened season follow recognizable physical boundaries, such as rivers and railroad rights-of-way; and

~~(2) The determination is made and published prior to June 1st of any year; and~~

(3) The Saturday preceding the first day of open season on deer ~~shall be~~ is an open day for residents of this State only.

**Sec. 19. 12 MRSA §7457, sub-§1, ¶H**, as amended by PL 2001, c. 690, Pt. A, §8 and affected by §18, is further amended to read:

H. The commissioner may regulate the taking of antlerless deer within any area of the State, as necessary, to maintain deer populations in balance with available habitat if the following conditions are met.

(1) The demarcation of each area must follow recognizable physical boundaries such as rivers, roads and railroad rights-of-way.

~~(2) The determination must be made and published prior to August 1st of each year.~~

(4) The commissioner may adopt rules necessary for the administration, implementation, enforcement and interpretation of this subsection, except that there may not be an antlerless deer permit system unless otherwise specified in this paragraph. Any rules adopted by the commissioner that provide for permits to be issued to nonresident or alien hunters must provide that:

(a) The percentage of antlerless deer permits issued to nonresident and alien hunters may not exceed the average percentage of applicants for antlerless deer permits over the previous 3 years who were nonresidents or aliens; and

(b) No more than 15% of the antlerless deer permits issued in any one district or in any one zone may be issued to nonresident and alien hunters.

(5) An antlerless deer permit system adopted by the commissioner pursuant to this section may include a provision giving special consideration to landowners who keep their lands open to hunting by the public. Any 2 or more areas of land owned by the same person that are open for hunting and that would be contiguous except for being divided by one or more roads are considered contiguous for the purposes of determining landowner eligibility for special consideration under this subparagraph.

A junior hunter or a person 65 years of age or older may take an antlerless deer, if a person who holds a valid antlerless deer permit transfers the permit to the junior hunter or person 65 years of age or older by identifying the name, age and address of the transferee on the permit as well as any other information reasonably requested by the commissioner and then returns the permit to the department prior to the start of the firearm season on deer. The commissioner shall record the transfer and return the permit to the junior

hunter or person 65 years of age or older. A valid permit must be in the possession of the transferee in order for the transferee to take an antlerless deer. If the person transfers the permit to the junior hunter or person 65 years of age or older, that person is prohibited from taking an antlerless deer.

**Sec. 20. 12 MRSA §7457, sub-§1, ¶I,** as amended by PL 2001, c. 690, Pt. A, §9 and affected by §18, is further amended to read:

I. The commissioner, by rule, may create special hunting seasons for the taking of deer in any part of the State to maintain deer populations in balance with available habitat, subject to the following.

(1) The demarcation of each area must follow recognizable physical boundaries, such as rivers, roads and railroad rights-of-way.

~~(2) The determination of these areas must be made and published prior to August 1st of each year.~~

(3) The commissioner may implement a permit system to regulate hunter participation in a special season and the number, sex and age of deer harvested. If permits are issued, the fee for a deer permit other than an antlerless deer permit is \$30 and the fee for an antlerless deer permit is \$10.

(5) The commissioner may establish limits on the number of deer taken or possessed by persons during any special season. Limits established by the commissioner under this subparagraph are exceptions to the limits imposed under section 7458, subsections 1 and 2.

(6) The commissioner may specify types of weapons to be used during a special season.

**Sec. 21. 12 MRSA §7457, sub-§2, ¶B,** as enacted by PL 1979, c. 420, §1, is repealed.

**Sec. 22. 12 MRSA §7463-A, sub-§12,** as enacted by PL 1981, c. 118, §2, is amended to read:

**12. Authority of commissioner.** The commissioner may issue applications for moose hunting permits, issue permits and make all rules and regulations pertaining ~~thereto to moose hunting permits, including provisins for permittees who are selected for a permit but unable to use the permit.~~ The commissioner may make all other rules and regulations which ~~he that the commissioner~~ considers necessary for the protection of the moose resource.

**Sec. 23. 12 MRSA §7469, sub-§6,** as enacted by PL 1985, c. 95, §1, is amended to read:

**6. Keeping an unregistered wild turkey.** A person is guilty of keeping an unregistered wild turkey if ~~he that person~~ keeps an unregistered wild turkey at ~~his that person's~~ home, or any place of storage except at an official wild turkey registration station or at the office of an inland fisheries and wildlife warden, for more than ~~42~~ 18 hours.

**Sec. 24. 12 MRSA §7505, sub-§3,** as enacted by PL 1979, c. 420, §1, is amended to read:

**3. Failure to restrain or control a nuisance dog.** The owner or keeper of a dog is guilty of failure to restrain or control a nuisance dog if:

A. ~~His That person's~~ dog is found chasing or pursuing any moose, ~~caribou,~~ deer or ~~elk wild turkey~~ at any time; or any other wild animal in closed season;

B. ~~His That person's~~ dog is found killing or wounding any moose, ~~caribou,~~ deer or ~~elk wild turkey~~ at any time; or any other wild animal in closed season;

C. ~~His That person's~~ bird dog, retrieving dog or hound is found killing or wounding any moose, ~~caribou,~~ deer or ~~elk wild turkey~~ during the period in which it is lawful to train dogs, as provided for in section 7863, subsection 1, while the dog is at a licensed dog training area or at a licensed trial for retrieving dogs; or

D. ~~He That person~~ has been notified under section 7504, subsection 6, paragraph C, and ~~he that person~~ permits any dog mentioned in the notice to leave ~~his that person's~~ immediate control.

**Sec. 25. 12 MRSA §7553, sub-§1,** as amended by PL 1999, c. 403, §§29 and 30 and as corrected by RR 1999, c. 1, §23, is further amended to read:

**1. Fishway dams.** The area within 150 feet of any ~~dam in which a operational~~ fishway is ~~located,~~ except:

B. At the following places, the fishway and the area within 75 feet of any part of the fishway are closed to fishing at all times:

(1) Grand Falls Powerhouse Dam on the St. Croix River in Baileyville; and

(2) Woodland Dam on the St. Croix River in Baileyville;



B-1. At the following places, the area within 75 feet of the mouth of the fishway is closed to fishing at all times:

- (1) East Grand Lake Dam in Forest City Township, T9 R4 NBPP; and
- (2) Spednic Lake Dam in Vanceboro;

C. At the so-called ice control dam on the Naraguagus River in the Town of Cherryfield, the area within 100 feet of the dam must be closed to fishing at all times;

D. At East Outlet Dam in Sapling Township (T1R7) in Somerset County and in Big Squaw Township (T2R6) in Piscataquis County at the outlet of Moosehead Lake, the fishway and the area within 50 feet of any part of the fishway must be closed to fishing at all times; and

E. There is no fishing in or from the fishway at the Sheepscot Lake Dam in the Town of Palermo in Waldo County.

**Sec. 26. 12 MRSA §7606, sub-§1-A**, as amended by PL 1989, c. 618, §1 and affected by §2, is further amended to read:

**1-A. Sale of bait or baitfish in biodegradable worm containers.** A person who sells bait or baitfish shall ~~not~~ provide or sell the bait or baitfish in containers that are composed ~~in whole or in part of polystyrene foam plastic~~ of biodegradable paper or cardboard.

**Sec. 27. 12 MRSA §7801, sub-§35, ¶A**, as amended by PL 1999, c. 697, §3, is further amended to read:

A. Mud Pond, Oversett Pond, South Pond, Round Pond, Twitchell Pond, Hicks Pond, Indian Pond or Furlong Pond in the Town of Greenwood in Oxford County;

**Sec. 28. 12 MRSA §7827, sub-§§5 and 6**, as enacted by PL 1979, c. 420, §1, are amended to read:

**5. Failing to stop a snowmobile before entering a public way.** A person is guilty of failing to stop a snowmobile before entering a public way or a private way maintained for travel if ~~he that person~~ fails to bring a snowmobile to a complete stop before entering a public way or a private way maintained for travel.

**6. Failing to yield right-of-way while operating a snowmobile.** A person is guilty of failing to yield the right-of-way while operating a snowmobile if ~~he that person~~ fails to yield the right-of-way to all vehicular traffic while operating a snowmobile on a public way or a private way maintained for travel.

**Sec. 29. 12 MRSA §7827, sub-§10, ¶A**, as enacted by PL 1997, c. 432, §53, is amended to read:

A. A person may not operate a snowmobile ~~on the statewide snowmobile trail system or a public right-of-way that is open to snowmobiling~~ except at a reasonable and prudent speed for the existing conditions, including when approaching and crossing an intersection or railway grade crossing, when approaching and taking a curve, when approaching a hill crest, when traveling upon any narrow or winding trail and when a special hazard exists with respect to pedestrians, skiers or other traffic by reason of weather or trail conditions.

**Sec. 30. 12 MRSA §7827, sub-§21**, as enacted by PL 1979, c. 420, §1, is amended to read:

**21. Unlawfully permitting operation.** A person is guilty of unlawfully permitting operation of a snowmobile if ~~he that person~~ owns a snowmobile ~~and knowingly permits it to be operated~~ that is operated by another person in violation of any section of this subchapter. A person is guilty of unlawfully permitting operation of a snowmobile if that person is the parent or guardian responsible for the care of a minor under 18 years of age who operates a snowmobile in violation of this subchapter.

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

Effective June 3, 2003.

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## CHAPTER 404

H.P. 1106 - L.D. 1513

### An Act To Update the Department of Defense, Veterans and Emergency Management Laws

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

**Sec. 1. 5 MRSA §17652, sub-§4** is enacted to read:

**4. Certain members of the Maine National Guard.** A member of the Maine National Guard who is not governed by section 17651 and who is on active state service for more than 15 consecutive days pursuant to Title 37-B may elect to be a member of the Maine State Retirement System. A member of the Maine National Guard on active state service pursuant to Title 37-B who does not elect to participate in the Maine State Retirement System or is not eligible to participate in the Maine State Retirement System shall