

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

A. Will use the mercury only for medical, dental amalgam dispose-caps, or research or manufacturing purposes;

Sec. 19. 38 MRSA §1670, sub-§6, as enacted by PL 1999, c. 779, §2, is amended to read:

6. Meetings. The committee shall meet at least ~~4~~2 times per year and at any time at the call of the chairs or upon written request to the chairs by 4 of the voting members.

Sec. 20. 38 MRSA §1864, 2nd ¶, as enacted by PL 2001, c. 434, Pt. A, §7, is repealed.

Sec. 21. 38 MRSA §1865 is enacted to read:

§1865. Public water supplies

If an infested water body pursuant to section 1864 is a public drinking water supply, public notification by the commissioner and the Commissioner of Inland Fisheries and Wildlife is required prior to any response action that proposes the use of a chemical control agent. Public notification must include, at a minimum, notification of adjoining municipalities, property owners, drinking water suppliers who use that water supply and other affected persons, and must provide adequate time for public review and comment on the proposed emergency action. Chemical control agents may not be used on a water body that is a public water supply without the prior written consent of each public water supplier using that water body.

See title page for effective date.

CHAPTER 552

S.P. 629 - L.D. 1697

An Act To Clarify Certain Provisions Contained in the Recodified Hunting, Fishing and Trapping Laws

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

Sec. 1. 12 MRSA §10001, sub-§12-A is enacted to read:

12-A. Dipnet. "Dipnet" means a device consisting of a rigid frame filled with netting, firmly attached to a rigid handle and manually operated by a single person.

Sec. 2. 12 MRSA §11155, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

1. Permit required. Except as otherwise authorized pursuant to this Part, a person may not hunt or possess wild turkey unless that person has a valid permit issued under this section. ~~Each day a person violates this subsection that person commits a Class E crime for which a minimum fine of \$50 and an amount equal to twice the applicable license fee must be imposed.~~

A person who violates this subsection commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each wild turkey unlawfully possessed, none of which may be suspended.

Sec. 3. 12 MRSA §11201, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the following enacted in its place:

§11201. Hunting during closed season

1. Closed season; general. A person may not hunt any wild animal or wild bird during the closed season or possess any wild animal or wild bird taken during the closed season on that wild animal or wild bird. Except as otherwise provided in this section, a person who violates this section commits a Class E crime.

2. Bear. A person who hunts or possesses a bear in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

3. Deer. A person who hunts or possesses a deer in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

4. Moose. A person who hunts or possesses a moose in violation of this section commits a Class D crime for which the court shall impose a sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

5. Wild turkey. A person who hunts or possesses a wild turkey in violation of this section commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of not less than \$500 for each wild turkey unlawfully possessed, none of which may be suspended.

Sec. 4. 12 MRSA §11351, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

2. Exceeding bag limit on bears. ~~Except as otherwise provided, a~~ A person may not possess more than one bear in any calendar year, except a person may keep more than one legally obtained bear in that person's home or as otherwise provided in law. A person who violates this subsection commits a Class D crime for which the court shall impose a sentencing alternative involving a term of imprisonment not to exceed 180 days; the court also shall impose a fine of not less than \$1,000, none of which may be suspended.

Sec. 5. 12 MRSA §11501, sub-§§1 and 2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, are amended to read:

1. Exceeding bag limit. A person may not possess more than one deer during any open season, ~~except as otherwise provided a person may keep more than one legally obtained deer in that person's home at any time or as otherwise provided in law.~~

2. Hunting deer after having killed one. A person may not hunt deer after that person has killed or registered one during the open season of that calendar year, except as otherwise provided in law or rule.

Sec. 6. 12 MRSA §11601, last ¶, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed and the following enacted in its place:

A person who violates this section commits a Class E crime.

Sec. 7. 12 MRSA §11651, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

Sec. 8. 12 MRSA §11651-A is enacted to read:

§11651-A. Hunting moose after having killed one

A person may not hunt moose after that person has killed or registered one during the open season of that calendar year, except as otherwise provided.

A person who violates this section commits a Class D crime for which the court shall impose a

sentencing alternative of not less than 3 days for the first offense, none of which may be suspended, and of not less than 10 days for each succeeding offense, none of which may be suspended. The court also shall impose a fine of not less than \$1,000, none of which may be suspended.

Sec. 9. 12 MRSA §11701, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

§11701. Authority of commissioner; wild turkey hunting

The commissioner may establish open seasons for hunting wild turkeys, designate areas that are open to the taking of wild turkeys in any part of the State, prescribe the form and regulate the number of permits to be issued, determine the number and sex of the birds to be harvested, establish bag limits, establish permit eligibility requirements, establish legal hunting times, specify the types of weapons to be used during any open wild turkey hunting season and make any other rules that the commissioner considers necessary for the protection of the wild turkey resource.

Sec. 10. 12 MRSA §11702, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

Sec. 11. 12 MRSA §11751-A is enacted to read:

§11751-A. Unlawful possession of wild turkeys

1. Possession of wild turkeys. A person may not possess a wild turkey taken in violation of any rule adopted by the commissioner under section 11701.

2. Exceeding bag limit. A person may not possess more than one wild turkey during any open season, except a person may keep more than one legally obtained wild turkey in that person's home at any time or as otherwise provided in law or rule.

3. Hunting wild turkey after having killed one. A person may not hunt wild turkey after that person has killed or registered one during any open season of that calendar year, except as otherwise provided in law or rule.

4. Penalties. The following penalties apply to violations of this section.

A. A person who violates subsection 1 commits a Class E crime.

B. A person who violates subsection 2 or 3 commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each wild turkey

unlawfully possessed, none of which may be suspended.

Sec. 12. 12 MRSA §11801, sub-§3, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

3. Penalties. A person who violates subsection 1 of this section commits a Class E crime for which the court shall impose a fine of not less than \$500, none of which may be suspended. The court also shall impose a fine of \$500 for each turkey unlawfully killed, none of which may be suspended.

Sec. 13. 12 MRSA §12403, sub-§3, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

Sec. 14. 12 MRSA §12404, sub-§6, ¶D, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

See title page for effective date.

CHAPTER 553

S.P. 667 - L.D. 1819

An Act To Implement the Recommendations of the Study Group To Examine an Emergency Alert Notification System for Deaf and Hard-of-hearing Individuals

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

PART A

Sec. A-1. 26 MRSA §1419, sub-§1, ¶B-2, as amended by PL 2001, c. 377, §1, is further amended to read:

B-2. "Specialized customer ~~telecommunications~~ communications equipment" means ~~telecommunications~~ communications equipment used by persons with disabilities to conduct telephone communications or equipment that provides or assists in providing emergency alert notification to deaf persons or hard-of-hearing persons. "Specialized customer ~~telecommunications~~ communications equipment" includes but is not limited to teletypewriters, artificial larynges, signaling devices, amplified handsets, large number dial overlays, direct telephone dialing, fax machines, equipment necessary to use short message services or text message services ~~or~~ and other equipment used by persons with disabilities to provide access to telephone networks and equipment that provides or facilitates emergency

alert notification to deaf persons or hard-of-hearing persons.

Sec. A-2. 26 MRSA §1419, sub-§2, as amended by PL 1997, c. 751, Pt. A, §3, is further amended to read:

2. Specialized customer communications equipment system. The department shall consult with appropriate agencies and organizations serving deaf, hard-of-hearing or speech-impaired persons and persons with disabilities concerning the needs of the specialized customer ~~telecommunications~~ communications equipment system. To the extent that funds are available, the department shall take steps necessary to preserve and maintain a viable specialized customer ~~telecommunications~~ communications equipment system for use by deaf, hard-of-hearing or speech-impaired persons and persons with disabilities in this State, including, but not limited to, providing for repair services and equipment for loaning to persons whose specialized customer ~~telecommunications~~ communications equipment is being repaired. The department may also use available funds to provide training in the use of specialized customer communications equipment.

Sec. A-3. 26 MRSA §1419-A, as amended by PL 1999, c. 227, §§1 and 2, is further amended to read:

§1419-A. Specialized customer communications equipment for persons with disabilities

1. ~~Money for specialized customer telecommunications equipment.~~ ~~The Bureau of Rehabilitation Services within the department, pursuant to appropriation of money to the bureau for specialized customer telecommunications equipment for deaf, hard-of-hearing and speech-impaired persons and persons with disabilities, shall, upon request, provide up to 50% of the cost of specialized customer telecommunications equipment to an organization or municipality that makes available the remaining funds for this equipment in a manner satisfactory to the Director of the Bureau of Rehabilitation Services.~~

2. Communications Equipment Fund. There is established the ~~Telecommunications~~ Communications Equipment Fund to be used by the Division of Deafness within the Bureau of Rehabilitation Services. The fund is nonlapsing. The fund receives money transferred by the Public Utilities Commission from the universal service fund pursuant to Title 35-A, section 7104. The Division of Deafness may accept gifts or grants, including, but not limited to, federal grants, for the purposes of this section. These Funds transferred from the universal service fund pursuant to Title 35-A, section 7104 and all gifts and grants and authorized appropriations must be deposited in the