

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

of law or rule by a preponderance of the evidence. If the department proves that existing and available records of goods or services are defective, the department may impose ~~the~~ a fee or sanction of, including total recoupment. Total recoupment for defective records is warranted only when the provider has failed to demonstrate by a preponderance of the evidence that the disputed goods or services were medically necessary, MaineCare-covered goods or services and were actually provided to eligible MaineCare members.

See title page for effective date.

CHAPTER 614

H.P. 1265 - L.D. 1743

An Act To Make Technical Corrections to 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, certain provisions of this bill must take effect immediately to avoid placing an undue economic hardship on certain small businesses and to help secure the public's safety; 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. 1 MRSA §402, sub-§3, ¶L, as amended by PL 2003, c. 392, §2, is further amended to read:

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is

designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶M, as enacted by PL 2003, c. 392, §3, is amended to read:

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure and systems. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; and

Sec. 3. 1 MRSA §402, sub-§3, ¶N is enacted to read:

N. Social security numbers in the possession of the Department of Inland Fisheries and Wildlife.

Sec. 4. 12 MRSA §11404, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

1. Muzzle-loading-only open season on deer.

There is a special muzzle-loading open season on deer immediately following the regular deer hunting season established under section 11401, subsection 1, paragraph A for the purpose of hunting deer only with muzzle-loading firearms as defined in section 10001, subsection 42 and that are 40 caliber or greater and capable of firing only a single charge. The commissioner may terminate this open season at any time in an area if, in the commissioner's opinion, an immediate emergency action is necessary due to adverse weather conditions or severe hunting pressure. The length of the special muzzle-loading season is as follows.

A. The commissioner shall establish by rule the length of the special muzzle-loading season. The commissioner may establish seasons of different lengths in different regions of the State. The season may extend for no more than 12 hunting days in any part of the State.

Sec. 5. 12 MRSA §11451, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is repealed.

Sec. 6. 12 MRSA §12553, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

2. Sale of bait in polystyrene foam containers.

A person who sells bait ~~or baitfish~~ may not provide or sell the bait ~~or baitfish~~ in containers that are composed in whole or in part of polystyrene foam plastic. This subsection does not apply to baitfish.

~~A person who violates this subsection commits a civil violation for which a forfeiture of not less than \$100 nor more than \$500 may be adjudged.~~

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 7. 12 MRSA §13058, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

1. Prohibition. A person may not operate a motorboat or personal watercraft on the inland waters of the State unless a valid lake and river protection sticker issued annually under subsection 3 is affixed to both sides of the bow above the water line and approximately 3 inches behind the validation sticker required under section 13056.

Sec. 8. 29-A MRSA §2115 is enacted to read:

§2115. Operating motor vehicle on Pickerel Pond

A person may not operate a motor vehicle as defined in section 101, subsection 42 on Pickerel Pond located in Township 32 Middle Division. This section does not apply to motor vehicles of the Department of Inland Fisheries and Wildlife, airmobiles as defined in Title 12, section 7791 and authorized emergency vehicles as defined in section 2054, subsection 1, paragraph B. A person who violates this section commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

Sec. 9. PL 2003, c. 414, Pt. D, §7 is amended to read:

Sec. D-7. Effective date. This Act takes effect ~~90 days after the adjournment of the Second Regular Session of the 121st Legislature August 31, 2004~~, except that Part D, sections 5 and 6 take effect 90 days after the adjournment of the First Regular Session of the 121st Legislature.

Sec. 10. PL 2003, c. 511, §3 is enacted to read:

Sec. 3. Effective date. This Act takes effect August 31, 2004.

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

Effective April 12, 2004.

CHAPTER 615**H.P. 984 - L.D. 1339****An Act To Amend the Laws Governing Campaign Finance**

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

Sec. 1. 21-A MRSA §1012, sub-§3, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Includes:

(1) A purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any person to political office, except that a loan of money to a candidate by a financial institution in this State made in accordance with applicable banking laws and regulations and in the ordinary course of business is not included;

(2) A contract, promise or agreement, expressed or implied, whether or not legally enforceable, to make any expenditure; ~~or~~

(3) The transfer of funds by a candidate or a political committee to another candidate or political committee; and

(4) A payment or promise of payment to a person contracted with for the purpose of supporting or opposing any candidate, campaign, political committee, political action committee, political party, referendum or initiated petition; and

Sec. 2. 21-A MRSA §1055, 2nd ¶, as amended by PL 2001, c. 430, §9, is further amended to read:

A person operating a broadcasting station within this State may not broadcast any such communication without an oral or visual announcement of the name and address of the political action committee that made or financed the expenditure for the communication ~~and statement that reads: "A copy of our report is available from the Commission on Governmental Ethics and Election Practices."~~