

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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
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tween persons or gambling by a person involving the playing of a machine, including equipment used in the playing phases of lottery schemes. "Electronic video machine" has the same meaning as in Title 17, section 330, subsection 1-A.

Sec. 3. Application. This Act applies to property tax years beginning on or after April 1, 2004.

See title page for effective date.

CHAPTER 626

S.P. 638 - L.D. 1706

An Act To Ensure Appropriate Care and Custody of Children

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

Sec. 1. 22 MRSA §4023, sub-§2, ¶C, as amended by PL 1989, c. 270, §8, is further amended to read:

C. Without any person responsible for the child;
~~or~~

Sec. 2. 22 MRSA §4023, sub-§2, ¶D, as enacted by PL 1989, c. 270, §8, is amended to read:

D. Taken into interim care under Title 15, section 3501, by a law enforcement officer; or

Sec. 3. 22 MRSA §4023, sub-§2, ¶E is enacted to read:

E. In a situation in which the child has lost both parents as a result of a homicide or has lost one parent and the other parent has been arrested, detained or sentenced and committed to a state correctional facility, state mental health institute or county jail for an offense related to the homicide.

Sec. 4. 22 MRSA §4023, sub-§8 is enacted to read:

8. Emergency assessment. In the event of a homicide as described in subsection 2, paragraph E, the department shall perform an emergency assessment for the purposes of temporary placement with a relative or other responsible person. The department shall provide a copy of the assessment performed under this subsection to the law enforcement personnel involved with the family of the child.

Sec. 5. Development of protocols. The Office of the Attorney General shall develop protocols for law enforcement in the event of a homicide as described in the Maine Revised Statutes, Title 22,

section 4023, subsection 2, paragraph E. The protocols must require prompt notification to the Department of Human Services, Bureau of Child and Family Services and the provision to the bureau of the names of members of the family that is involved in the situation.

Sec. 6. Development of plan. The Department of Public Safety shall develop a plan for the provision of criminal history record information and protection from abuse order information to the Department of Human Services, Bureau of Child and Family Services about persons being evaluated by the bureau in the process of performing an emergency assessment under the Maine Revised Statutes, Title 22, section 4023, subsection 8.

See title page for effective date.

CHAPTER 627

S.P. 656 - L.D. 1723

An Act To Amend the Laws Regarding Invasive Aquatic Species

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

Sec. 1. 12 MRSA §13058, 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. Prohibition. A person may not place or operate a motorboat or personal watercraft on the inland waters of the State unless a lake and river protection sticker issued 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.

2. Violation. A person who places or operates a motorboat or personal watercraft upon the inland waters of the State without displaying a lake and river protection sticker as required by subsection 1 commits a civil violation for which a ~~forfeiture fine~~ of not less than \$100 and not more than \$250 per violation may be adjudged, ~~except that a citation for a violation of this subsection may not be issued to a person who is also issued a citation at the same time for a violation of any other provision of this chapter regulating watercraft, other than section 13073.~~ A ~~forfeiture fine~~ imposed under this subsection may not be ~~waived~~ suspended by the court.

Sec. 2. 12 MRSA §13058, sub-§2-A is enacted to read:

2-A. Class E crime. A person who violates subsection 1 after having been adjudicated of having

committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 3. 12 MRSA §13068, sub-§15, 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:

15. Violation of surface use restriction order.

A person may not operate, launch or remove a watercraft at a restricted-access site or refuse inspection of a watercraft in violation of an order issued under Title 38, section 1864.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 and not more than \$5,000 per violation may be adjudged. A fine imposed under this subsection may not be suspended by the court.

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

Sec. 4. 12 MRSA §13072, 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. Appointment; compensation. The municipal officers of a town bordering an inland waterway may appoint a harbor master for a term of not less than one year and may establish the harbor master's compensation. ~~The~~ Except as provided in subsection 2-A, the harbor master is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and rules promulgated by the municipality. The municipal officers may remove the harbor master from office for cause, declared in writing, after due notice to the harbor master and a hearing, if requested.

The municipal officers may prohibit a harbor master from making an arrest or carrying a weapon. A harbor master who is not prohibited from making arrests may arrest and deliver to the law enforcement authorities on shore any person committing an assault upon the harbor master or another person acting under the harbor master's authority.

2. Authority and responsibility. ~~A~~ Except as provided in subsection 2-A, a harbor master appointed under this section shall enforce the watercraft laws of the State and the municipality on any water within the jurisdiction of the municipality.

Sec. 5. 12 MRSA §13072, sub-§2-A is enacted to read:

2-A. Authority to enforce invasive aquatic species laws. A municipality may appoint a harbor master whose only duties are to enforce the provisions of section 13058 and section 13068, subsections 1 and 15 on any water within the jurisdiction of the municipality.

Sec. 6. 38 MRSA §419-C, sub-§1, ¶¶B and C, as enacted by PL 1999, c. 722, §2, are amended to read:

B. Possess, import, cultivate, transport or distribute any invasive aquatic plant or parts of any invasive aquatic plant, including roots, rhizomes, stems, leaves or seeds, in a manner that could cause the plant to get into any state waters; ~~or~~

C. After September 1, 2000, sell or offer for sale in this State any invasive aquatic plant; ~~or~~

Sec. 7. 38 MRSA §419-C, sub-§1, ¶D is enacted to read:

D. Fail to remove any aquatic plant or parts of any aquatic plant, including roots, rhizomes, stems, leaves or seeds, from the outside of a vehicle, boat, personal watercraft, boat trailer or other equipment on a public road.

Sec. 8. 38 MRSA §1864, first ¶, as enacted by PL 2001, c. 434, Pt. A, §7, is amended to read:

The commissioner and the Commissioner of Inland Fisheries and Wildlife may jointly issue an emergency order to restrict ~~access to or restrict~~ or prohibit the use of any watercraft on all or a portion of a water body that has a confirmed infestation of an invasive aquatic plant. The order must be for a specific period of time and may be issued only when the use of watercraft on that water body threatens to worsen or spread the infestation. The order may require that watercraft on waters affected by the order be taken out of the water only at locations identified in the order ~~and be inspected and cleaned by the department upon removal.~~ The order may require inspections and cleaning of watercraft, watercraft trailers and equipment upon removal at sites that have been identified in the order. Inspections must be conducted by designated state boat inspectors. For purposes of this section, "designated state boat inspector" means a person employed by the State and identified by the department or the Department of Inland Fisheries and Wildlife as a person who is qualified to properly conduct inspection activities.

See title page for effective date.