

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

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

Effective May 20, 2005.

CHAPTER 141

H.P. 735 - L.D. 1082

An Act To Prohibit Passing in Designated No-passing Zones

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

Sec. 1. 29-A MRSA §2070, sub-§5, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. When approaching within 100 feet of or traversing an intersection or railroad grade crossing, except when turning to the left to enter an intersecting way; ~~or~~

C. When the view is obstructed within 100 feet of a bridge, viaduct or tunnel;

Sec. 2. 29-A MRSA §2070, sub-§5, ¶¶D and E are enacted to read:

D. When the single center line highway marking method is used and an unbroken painted line is marked on the way, except in an emergency; or

E. When the double center line highway marking method is used and an unbroken painted line is marked on the way in the operator's lane, except in an emergency.

Sec. 3. 29-A MRSA §2070, sub-§7 is enacted to read:

7. Evidence. The placing on a roadway of highway markings conforming to this chapter is prima facie evidence that the markings have been placed by the official act or direction of lawful authority.

See title page for effective date.

CHAPTER 142

H.P. 536 - L.D. 759

An Act To Provide For Special Antlerless Deer Permits to Certain Disabled Hunters

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

Sec. 1. 12 MRSA §11152, sub-§2, as affected by PL 2003, c. 614, §9 and repealed and replaced by c. 655, Pt. B, §120 and affected by §422, is amended to read:

2. Authority to regulate taking of antlerless deer. The commissioner may regulate the taking of antlerless deer within an area of the State as necessary to maintain deer populations in balance with available habitat if the demarcation of each area follows recognizable physical boundaries such as rivers, roads and railroad rights-of-way. This subsection does not apply to a person with a special antlerless deer permit under subsection 7.

Sec. 2. 12 MRSA §11152, sub-§7 is enacted to read:

7. Special antlerless deer permit. The commissioner shall issue a special antlerless deer permit to an eligible person who is a resident and is suffering from the loss of or the permanent loss of use of both lower extremities. The commissioner shall issue a permit upon application and after the applicant verifies that person's ambulatory disability with a letter signed by a physician licensed in the State confirming the person's condition. A person who is issued a special antlerless deer permit under this subsection may take an antlerless deer in any part of the State open to the taking of antlerless deer pursuant to subsection 3.

See title page for effective date.

CHAPTER 143

H.P. 623 - L.D. 873

An Act To Give 2 Moose Hunting Permits to Hunt of a Lifetime

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

Sec. 1. 12 MRSA §11154, sub-§13 is enacted to read:

13. Hunting adventure permits for children. Notwithstanding subsection 6 and section 11102, the commissioner may issue 2 moose permits to a nonprofit organization dedicated to providing hunting and fishing adventures to children under 21 years of age with life-threatening, critical or terminal illnesses. The commissioner may issue these permits upon written request by an eligible nonprofit organization but may not issue more than 2 permits in total for a calendar year. These permits are in addition to the

moose hunting permits issued under subsection 2 for each wildlife management district and are at no cost to the organization.

See title page for effective date.

CHAPTER 144

H.P. 68 - L.D. 72

An Act To Review Climate Change Policy Effectiveness

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

Sec. 1. 38 MRSA §578, as enacted by PL 2003, c. 237, §1, is amended to read:

§578. Progress evaluation

By January 1, 2006 and by that date every 2 years thereafter, the department shall evaluate the State's progress toward meeting the reduction goals specified in section 576, review the cost-effectiveness of the actions taken toward meeting the reduction goals and shall amend the action plan as necessary to ensure that the State can meet the reduction goals. The department shall submit a report of its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 1, 2006 and by that date every 2 years thereafter. The joint standing committee of the Legislature having jurisdiction over natural resources matters is authorized to report out legislation relating to the evaluation to the second regular session of any Legislature. Starting no earlier than January 1, 2008, the department may recommend to the joint standing committee of the Legislature having jurisdiction over natural resources matters that the reduction goals specified in section 576 be increased or decreased.

See title page for effective date.

CHAPTER 145

H.P. 660 - L.D. 941

An Act To Make an Exception to the Law Regarding Licensing of Fair Vendors Selling Tobacco Products

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

Whereas, the fair season will begin before this Act takes effect; and

Whereas, the vendors need to know before the fair season begins how many licenses they need to purchase; 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. 22 MRSA §1552, sub-§3, as enacted by PL 1995, c. 470, §9 and affected by §19, is amended to read:

3. Multiple licenses. A Except as provided in subsection 3-A, a licensee applying for licenses to operate more than one premises or more than one vending machine shall obtain a separate license for each premises and each machine and shall pay the fee prescribed for each premises and each machine.

Sec. 2. 22 MRSA §1552, sub-§3-A is enacted to read:

3-A. Seasonal mobile tobacco vendor license. An applicant who is a seasonal mobile tobacco vendor may purchase a single annual license authorizing that vendor to operate at 2 or more agricultural fairs, festivals or exhibitions held during the agricultural fair season. A license issued under this subsection must clearly specify the name and location of each fair, festival or exhibition at which the licensee is authorized to operate and, for each location, the specific dates and number of machines for which the licensee is authorized. A licensee may not operate at any agricultural fair, festival or exhibit except as specifically provided in that license. Upon issuing a license under this subsection, the department shall immediately provide the information required by this subsection to the Office of the Attorney General for purposes of inspection and enforcement.

Sec. 3. Seasonal mobile tobacco vendor license; fee. In determining the sliding-scale licensing fee that applies to a seasonal mobile tobacco vendor license sold under the Maine Revised Statutes, Title 22, section 1552, subsection 3-A, the Department of Health and Human Services shall consider the "total square footage of the retail establishment," referred to in Public Law 2005, chapter 12, Part TT, section 2, to be the square footage of equipment or other personal property owned or leased by the licensee that is located at the agricultural fair, festival or exhibition.