

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

Sec. 3. 32 MRSA §1528, as amended by PL 1999, c. 399, §14 and affected by §20, is further amended to read:

§1528. Renewal

All licenses must be renewed annually on or before June 30th of each year or at such other time as the commissioner may designate. The annual license renewal fee must be established by the department by rulemaking and may not exceed ~~\$300~~ \$325, except that an applicant who is deaf must pay an annual license renewal fee of \$100. The commissioner shall notify each licensee, at the licensee's last known address, 30 days in advance of the expiration of the license. Renewal notices must be on forms provided by the department. A license not renewed by June 30th automatically expires. The department may renew an expired license if the renewal application is returned within 90 days after the license expiration date and upon payment of a late fee of \$10 in addition to the renewal fee. A person who submits an application for renewal more than 90 days after the license expiration date is subject to all requirements governing new applicants under this chapter.

Sec. 4. 32 MRSA §1528-A, sub-§1, as enacted by PL 1999, c. 399, §15 and affected by §20, is amended to read:

1. Limited interpreters. An application for renewal of a limited interpreter, limited transliterator or limited deaf interpreter license must show proof of completion of at least ~~45~~ 20 hours annually of continuing education in American Sign Language or the interpreting process. ~~This subsection does not apply to interpreters, transliterators and deaf interpreters who obtain limited licensure status pursuant to section 1532 and who have not completed the educational and training requirements set forth in section 1524, subsection 4 or section 1524-A, subsection 3.~~

Sec. 5. 32 MRSA §1531, as enacted by PL 1999, c. 399, §17 and affected by §20, is amended to read:

§1531. Disclosure

All interpreters licensed pursuant to this chapter shall disclose their license category, ~~training and experience with specific certifications held and any postsecondary degrees~~ to consumers and to the person or persons engaging the interpreter's services. The content and form of the disclosure must be developed by the department pursuant to rule-making provisions of the Maine Administrative Procedure Act. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 6. 32 MRSA §1532, as enacted by PL 1999, c. 399, §17 and affected by §20, is repealed.

See title page for effective date.

CHAPTER 268

S.P. 204 - L.D. 649

An Act To Provide Access to Maine's Resources to Certain Veterans

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

Whereas, this legislation provides certain benefits to homecoming veterans of the Iraq War; and

Whereas, these benefits, such as a free one-year fishing license and free access to state parks would need to begin before the 90-day period ends; 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 §1819-A is enacted to read:

§1819-A. Day use passes for certain veterans

Notwithstanding section 1819, the commissioner shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free day use pass to state parks and historic sites to each veteran determined by the Department of Defense, Veterans and Emergency Management to meet the criteria established in Title 37-B, section 6. The pass entitles the holder, and the holder's spouse and children when accompanied by the holder, to admission free of charge to all state parks and historic sites for the period described in Title 37-B, section 6. This section is repealed June 30, 2010.

Sec. 2. 12 MRSA §10853, sub-§13 is enacted to read:

13. Certain veterans. The commissioner shall enter into a memorandum of agreement with the Department of Defense, Veterans and Emergency Management for the issuance of a free resident hunting license and a free resident fishing license to each veteran determined by the Department of Defense, Veterans and Emergency Management to

meet the criteria established in Title 37-B, section 6 and other criteria for issuance of licenses. Each license is valid for the period described in Title 37-B, section 6. This subsection is repealed June 30, 2010.

Sec. 3. 37-B MRSA §6 is enacted to read:

§6. Issuance of free day use pass and licenses

The Commissioner of Defense, Veterans and Emergency Management, in accordance with a memorandum of agreement entered into with the Commissioner of Conservation and this section, shall issue a free day use pass to state parks and historic sites to eligible veterans. The commissioner, in accordance with a memorandum of agreement entered into with the Commissioner of Inland Fisheries and Wildlife and this section, shall issue a free fishing license and free hunting license to eligible veterans who meet other criteria of the Department of Inland Fisheries and Wildlife for the issuance of licenses.

1. Eligibility. The Department of Defense, Veterans and Emergency Management shall determine, based on an examination of an individual's discharge certificate from active duty services, also known as the DD214, whether the following criteria are met:

A. The person is a resident of this State;

B. The person received an honorable discharge or general discharge under honorable conditions; and

C. Between October 1, 2001 and January 1, 2010, while a member of the Maine National Guard or an active or reserve member of the uniformed services as defined in 10 United States Code, Section 101(a)(5), the person served for a minimum of 3 continuous months outside the United States either:

(1) On an operational mission for which members of the reserve were ordered to active duty; or

(2) During a period of war declared by the United States Congress or a period of national emergency declared by the President of the United States or Congress.

2. Duration of passes and licenses. A license or pass issued in accordance with this section is valid for a minimum of 12 months from the date of an eligible veteran's discharge from active duty. The memoranda of agreement between the departments may allow issuance of passes or licenses for a period longer than 12 months.

3. Responsibilities of commissioner. The Commissioner of Defense, Veterans and Emergency

Management shall identify a point of contact within the department to issue licenses and passes in accordance with this section and the memoranda of agreement entered into with the Department of Conservation and the Department of Inland Fisheries and Wildlife. The commissioner shall periodically report to the Department of Conservation with a listing of the names and addresses of all persons receiving passes to state parks and historic sites and the expiration dates for those passes. The department shall periodically report to the Department of Inland Fisheries and Wildlife with a listing of the names and addresses of all persons receiving fishing licenses and hunting licenses and the expiration dates for those licenses.

4. Repeal. This section is repealed June 30, 2010.

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

Effective June 2, 2005.

CHAPTER 269

S.P. 463 - L.D. 1336

An Act To Promote Economic Development in Commercial and Downtown Areas of the State

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period to encourage economic development in commercial and downtown areas in the State, which is a vital component to the overall growth and success of the State; and

Whereas, a component of some commercial districts and downtown districts is the location of restaurants and bars in order to spur activity and growth in these districts; and

Whereas, the prohibition on issuance of new liquor licenses to businesses located within 300 feet of churches and schools is primarily designed to prevent businesses from locating near established churches and schools and selling liquor in close proximity to those locations; and

Whereas, the entry of a new school or church into a preexisting commercial zone where businesses are already allowed to obtain liquor licenses, or a downtown area, should not have the effect of disrupt-