

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

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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

a nursing education program in the State for a minimum of 3 years after acceptance into the nursing education loan repayment program.

3. Nursing education loan repayment fund.

The nursing education loan repayment fund, referred to in this section as "the fund," is created as a nonlapsing, interest-earning, revolving fund to carry out the purposes of this subchapter.

A. The authority may receive, invest and expend on behalf of the fund money from gifts, grants, bequests, loans and donations in addition to money appropriated or allocated by the State. Money received by the authority on behalf of the fund must be used for the purposes of this subchapter. The fund must be maintained and administered by the authority. Any unexpended balance in the fund carries forward for continued use under this subchapter.

B. Costs and expenses of maintaining, servicing and administering the fund and of administering the nursing education loan repayment program may be paid out of amounts in the fund.

4. Administration. The nursing education loan repayment program and the nursing education loan repayment fund are administered by the authority. The authority shall repay the loan of an applicant who meets the criteria in subsection 2 in the amount of up to \$4,500 for a master's degree and up to \$6,000 for a doctoral degree. The authority may adopt rules to carry out the purposes of this subchapter. Rules adopted pursuant to this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 418

H.P. 1200 - L.D. 1692

**An Act To Transfer Funds to the
Maine Milk Pool from the General
Fund To Fund Dairy Stabilization
Programs**

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

Sec. 1. 7 MRSA §3153-D is enacted to read:

§3153-D. Transfer of revenues

On or before the 15th day of each month, the administrator of the Maine Milk Pool shall certify the amounts to be distributed for the previous month pursuant to sections 3153-B and 3153-C to the State

Controller, who shall transfer the certified monthly amount when certified from General Fund undedicated revenue to the Maine Milk Pool Other Special Revenue Funds account.

Sec. 2. Certified payments; Maine Milk Pool. Notwithstanding the provisions of the Maine Revised Statutes, Title 7, section 3153-D, for fiscal year 2005-06, the certified amount for transfer must be reduced by funds appropriated, transferred, carried forward or available for distribution pursuant to Title 7, sections 3153-B and 3153-C.

See title page for effective date.

CHAPTER 419

H.P. 63 - L.D. 67

**An Act To Allow the Use of
Crossbows for Hunting**

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

Sec. 1. 12 MRSA §10108, sub-§6-A is enacted to read:

6-A. Crossbow hunting education program. The commissioner shall establish a program for training individuals in safe and responsible crossbow hunting skills and behavior. This program may include instruction in fisheries and wildlife laws, rights of landowners and hunters and appropriate principles of wildlife management. The commissioner may charge an enrollment fee of up to \$10 per person to help defray the costs of this program. The commissioner may cooperate with any public or private association dedicated to responsible and safe crossbow hunting to establish this program.

In establishing the program, the commissioner shall:

A. Prescribe the qualifications of instructors;

B. Provide liability insurance for each instructor authorized by the commissioner to conduct training under the program protecting that person from liability for damages during the time when instruction is being given. The cost of this insurance must be borne by the State and charged against funds credited to the department;

C. Prescribe the type and length of instruction and the time and place of examinations; and

D. Issue a certificate of competency to individuals who successfully complete the examination.

Sec. 2. 12 MRSA §10953 is enacted to read:

§10953. Open seasons for hunting with crossbow

1. Species and seasons. Except as provided in this Part, a person may hunt bear with a crossbow during the open season on bear as provided in section 11251 and may hunt deer with a crossbow during the open firearm season on deer as provided in section 11401. This subsection does not authorize a person to hunt deer with a crossbow during an expanded archery season established under section 11403 or in an expanded archery zone or during the muzzle-loading-only deer hunting season established under section 11404.

2. Rulemaking. The commissioner shall adopt rules regulating the use of crossbows for hunting that include but are not limited to restrictions on size, bolts, broadheads, sighting devices and safety mechanisms. The commissioner shall adopt rules that prohibit the use of hand-held or pistol-type crossbows and crossbows with a draw weight of less than 100 pounds or more than 200 pounds. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 3. 12 MRSA §11106-A is enacted to read:

§11106-A. Eligibility for crossbow hunting license

1. Big game license. A resident or nonresident 16 years of age or older who has satisfied the requirements of subsection 3 and holds a valid big game license may obtain a crossbow license to hunt with a crossbow from the commissioner or the commissioner's authorized agent.

2. Junior license. A resident or nonresident 10 years of age or older and under 16 years of age may hunt with a crossbow if that person holds a valid junior hunting license.

3. Crossbow hunter education requirements. A person who applies for a crossbow hunting license, other than a junior hunting license, must submit proof of having successfully completed an archery hunting education course and a crossbow hunting course as described in section 10108 or equivalent crossbow and archery hunting education courses or satisfactory evidence of having previously held adult archery and crossbow hunting licenses issued specifically for the purpose of hunting with a crossbow or bow and arrow in this State or any other state, province or country in any year after 1979.

When proof or evidence cannot be otherwise provided, the applicant may substitute a signed affidavit that the applicant has previously held the required adult crossbow and archery hunting license or has successfully completed the required crossbow and archery hunting education courses.

Sec. 4. 12 MRSA §11108, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. On certain land. Notwithstanding section 11109, subsection 1 as it applies to this subchapter, a resident over 10 years of age and a member of the resident's immediate family over 10 years of age, as long as the hunter's license to hunt is not under suspension or revocation, may hunt without a license, including, but not limited to, an archery hunting license, a crossbow hunting license and a muzzle-loading license, on a single plot of land:

- A. To which they are legally entitled to possession;
- B. On which they are actually domiciled;
- C. That is used exclusively for agricultural purposes; and
- D. That is in excess of 10 acres.

Sec. 5. 12 MRSA §11109, sub-§§8 and 9 are enacted to read:

8. Issuance of crossbow hunting license; agent's fee. Clerks or other agents appointed by the commissioner to issue crossbow hunting licenses must charge a fee of \$1 for each crossbow hunting license issued. The commissioner shall charge a fee of \$1 for each crossbow hunting license issued by department employees.

9. Crossbow licenses and fees. Crossbow hunting licenses and fees are as follows:

- A. A resident crossbow hunting license is \$25;
- B. A nonresident crossbow hunting license is \$48; and
- C. An alien crossbow hunting license is \$72.

Sec. 6. 12 MRSA §11214, sub-§1, ¶G, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

G. ~~Hunt~~ Except as provided in section 10953, hunt a wild animal or wild bird with a crossbow or set bow;

Sec. 7. 15 MRSA §393, sub-§1, as amended by PL 2001, c. 549, §2, is further amended to read:

1. Possession prohibited. A person may not own, possess or have under that person's control a firearm or crossbow, unless that person has obtained a permit under this section, if that person:

A-1. Has been convicted of committing or found not criminally responsible by reason of mental disease or defect of committing:

- (1) A crime in this State that is punishable by imprisonment for a term of one year or more;
- (2) A crime under the laws of the United States that is punishable by imprisonment for a term exceeding one year;
- (3) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, is punishable by a term of imprisonment exceeding one year. This subparagraph does not include a crime under the laws of another state that is classified by the laws of that state as a misdemeanor and is punishable by a term of imprisonment of 2 years or less;
- (4) A crime under the laws of any other state that, in accordance with the laws of that jurisdiction, does not come within subparagraph (3) but is elementally substantially similar to a crime in this State that is punishable by a term of imprisonment for one year or more; or
- (5) A crime under the laws of the United States, this State or any other state or the Passamaquoddy Tribe or Penobscot Nation in a proceeding in which the prosecuting authority was required to plead and prove that the person committed the crime with the use of:

- (a) A firearm or crossbow against a person; or
- (b) Any other dangerous weapon;

C. Has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction:

- (1) Under paragraph A-1, subparagraphs (1) to (4) and bodily injury to another person was threatened or resulted; or
- (3) Under paragraph A-1, subparagraph (5); or

D. Is subject to an order of a court of the United States or a state, territory, commonwealth or tribe that restrains that person from harassing, stalking or threatening an intimate partner, as defined in 18 United States Code, Section 921(a), of that

person or a child of the intimate partner of that person, or from engaging in other conduct that would place the intimate partner in reasonable fear of bodily injury to the intimate partner or the child, except that this paragraph applies only to a court order that was issued after a hearing for which that person received actual notice and at which that person had the opportunity to participate and that:

- (1) Includes a finding that the person represents a credible threat to the physical safety of an intimate partner or a child; or
- (2) By its terms, explicitly prohibits the use, attempted use or threatened use of physical force against an intimate partner or a child that would reasonably be expected to cause bodily injury.

For the purposes of this subsection, a person is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

For the purposes of this subsection, a person is deemed to have been found not criminally responsible by reason of mental disease or defect upon the acceptance of a plea of not criminally responsible by reason of insanity or a verdict or finding of not criminally responsible by reason of mental disease or defect, or of the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 8. 15 MRSA §393, sub-§1-A, as amended by PL 2001, c. 549, §3, is further amended to read:

1-A. Limited prohibition for nonviolent juvenile offenses. A person who has been adjudicated in this State or under the laws of the United States or any other state to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under subsection 1, paragraph A-1 but is not an adjudication under subsection 1, paragraph C may not own or have in that person's possession or control a firearm or crossbow for a period of 3 years following completion of any disposition imposed or until that person reaches 18 years of age, whichever is later.

Sec. 9. 15 MRSA §393, sub-§2, as amended by PL 1993, c. 368, §3, is further amended to read:

2. Application after 5 years. A person subject to the provisions of subsection 1 may, after the expiration of 5 years from the date that the person is finally discharged from the sentences imposed as a result of the conviction or adjudication, apply to the Commissioner of Public Safety for a permit to carry a

firearm or crossbow. That person may not be issued a permit to carry a concealed firearm pursuant to Title 25, chapter 252.

Sec. 10. 15 MRSA §393, sub-§3, as enacted by PL 1977, c. 225, §2, is amended to read:

3. Contents. ~~The~~ An application ~~shall~~ under subsection 2 must be on a form prepared by the Commissioner of Public Safety. The application ~~shall~~ must include the following: ~~The~~ the applicant's full name; all aliases; date and place of birth; place of legal residence; occupation; make, model and serial number of the firearm or crossbow sought to be possessed; date, place and nature of conviction; sentence imposed; place of incarceration; name and address of probation or parole officer; date of discharge or release from prison or jail or termination of probation; the reason for the request; and any other information ~~deemed~~ determined by the commissioner to be of assistance. The application ~~shall~~ must be accompanied by certified or attested copies of the indictment, information or complaint, judgment and commitment and discharge ~~which~~ that are the subject of the conviction.

Sec. 11. Appropriations and allocations. The following appropriations and allocations are made.

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

Division of Public Information and Education 0729

Initiative: Appropriates funds for the costs of offering a crossbow hunting education program.

GENERAL FUND	2005-06	2006-07
All Other	\$5,000	\$1,000
GENERAL FUND TOTAL	\$5,000	\$1,000

Savings Fund Program 0822

Initiative: Appropriates funds to be used only to avoid future fee increases.

GENERAL FUND	2005-06	2006-07
All Other	\$6,850	\$13,700
GENERAL FUND TOTAL	\$6,850	\$13,700

INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF

DEPARTMENT TOTALS	2005-06	2006-07
GENERAL FUND	\$11,850	\$14,700
DEPARTMENT TOTAL - ALL FUNDS	\$11,850	\$14,700

Sec. 12. Effective date. This Act takes effect January 1, 2006.

Effective January 1, 2006.

CHAPTER 420

H.P. 791 - L.D. 1148

An Act To Recognize the Recipients of the Korea Defense Service Medal

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

Sec. 1. 29-A MRSA §523, sub-§5, ¶¶P and Q, as enacted by PL 2001, c. 453, §2 and affected by §4, are amended to read:

P. Armed Forces Expeditionary Medal; ~~and~~

Q. Kosovo Service Medal; ~~and~~

Sec. 2. 29-A MRSA §523, sub-§5, ¶R is enacted to read:

R. Korea Defense Service Medal.

See title page for effective date.

CHAPTER 421

H.P. 257 - L.D. 334

An Act Allowing Certain Commercial Vehicles at Canadian Weight Limits To Travel from the Canadian Border at Calais to Baileyville

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

Sec. 1. 29-A MRSA §2354-B is enacted to read:

§2354-B. Pilot project to allow commercial vehicles at Canadian weight limits to travel from the Canadian border at Calais to Baileyville

1. Pilot project. Notwithstanding section 2354, the Commissioner of Transportation, in consultation with the Department of Public Safety and the Department of the Secretary of State, is authorized to conduct a pilot project that allows certain commercial vehicles at Canadian gross vehicle weight limits to travel from the Canadian border at Calais to Baileyville. This pilot project must include the following conditions and components.

A. The only allowable route of travel under the pilot project is travel from the United States-Canada border in Calais, across North Street to U.S. Route 1, north on U.S. Route 1 to Access Road in Baileyville, east on Access Road to