

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

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

Penmor Lithographers

Lewiston, Maine

2006

master's authority. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I.

5. Mooring sites. The regulation of moorings in inland waters is governed by Title 38, except that Title 38 may not be construed to require the municipal officers of a town that does not border or contain territorial waters to appoint a harbor master upon the request of a person desiring mooring privileges or the regulation of mooring privileges. Nothing in this subsection limits or expands a municipality's authority to regulate moorings under Title 38 or as otherwise provided in law.

Sec. 4. 38 MRSA §1, as amended by PL 1999, c. 682, §6, is further amended to read:

§1. Appointment; compensation

The municipal officers of a town that borders or contains territorial waters, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall appoint a harbor master for a term of not less than one year, who is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, municipal harbor commissioners, municipal port authorities or other such bodies empowered to regulate municipal harbors. The municipal officers may establish the harbor master's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the harbor master and appoint another one.

The municipal officers may prohibit a harbor master from making arrests or carrying a weapon. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I. Any law enforcement officer vested with the authority to carry a weapon and make arrests has the authority to enforce this subchapter.

For purposes of this section, "territorial waters" has the same meaning as provided in Title 12, section 6001, subsection 48-B.

See title page for effective date.

CHAPTER 493

H.P. 1242 - L.D. 1734

An Act To Increase Accessibility to Health Insurance

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

Whereas, persons who have legally immigrated to Maine are being denied access to private health insurance; and

Whereas, the definition of "legally domiciled" in current insurance law needs to be broadened to allow persons who have legally immigrated to Maine and reside in Maine to have access to individual health insurance; and

Whereas, this legislation will expand the definitions in the insurance law so that persons who have legally immigrated will now be eligible for individual health insurance; 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. 24-A MRSA §2736-C, sub-§1, ¶C-1, as amended by PL 1999, c. 256, Pt. C, §1, is repealed and the following enacted in its place:

C-1. "Legally domiciled" means a person who lives in this State and who satisfies the criteria contained in 2 of the following subparagraphs.

(1) The person has a motor vehicle operator's license or nondriver identification card from this State.

(2) The person has a valid passport or visa and is lawfully admitted to the United States.

(3) The person is registered to vote in this State.

(4) The person has a permanent dwelling place in this State.

(5) The person submits a written sworn affidavit declaring that person's intent to reside in this State.

(6) The person files an income tax return for this State that declares the person is a Maine resident.

A person may establish that that person is legally domiciled in this State by providing evidence of other relevant criteria associated with residency.

A child is legally domiciled in this State if at least one of the child's parents or the child's legal guardian is legally domiciled in this State. A person with a developmental or other disability that prevents that person from obtaining a motor vehicle operator's license, registering to vote or filing an income tax return is legally domiciled in this State by living in this State.

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

Effective March 16, 2006.

CHAPTER 494

H.P. 1274 - L.D. 1834

An Act To Accommodate Victims of Identity Theft

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

Sec. 1. 10 MRSA §1317, sub-§1, as amended by PL 1981, c. 610, §8, is further amended to read:

1. Agency procedures for corrections. A consumer reporting agency shall adopt reasonable procedures to enable a consumer to correct any inaccurate information in ~~his~~ the consumer's file. For the purposes of this section, "inaccurate information" includes, but is not limited to, materially incomplete information within the scope of the report requested and information in the report that is the result of identity theft.

See title page for effective date.

CHAPTER 495

S.P. 757 - L.D. 1967

An Act To Support Fishing Derbies

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

Whereas, this legislation increases the amount of prize money that may be awarded for fishing derbies operated in conjunction with the fisheries management objectives of the Department of Inland Fisheries and Wildlife; and

Whereas, these derbies benefit charitable organizations; and

Whereas, this legislation needs to take effect prior to the fishing derby season; 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 §12504, sub-§3, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. Fixing the maximum total value of prizes that may be awarded at each derby or tournament, except that for a derby held on Sebago Lake in Cumberland County and in conjunction with the department's fisheries management objectives, the maximum total value of prizes may not exceed \$100,000.

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

Effective March 16, 2006.

CHAPTER 496

S.P. 697 - L.D. 1780

An Act Concerning Members of School Administrative Districts' Finance Committees

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

Sec. 1. 20-A MRSA §1256, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

2. Finance committee. May elect a ~~3-member~~ finance committee ~~whose members shall be of 3 or more members who must be~~ directors;

See title page for effective date.

CHAPTER 497

S.P. 684 - L.D. 1767

An Act To Clarify the Charitable Solicitations Act