

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

- (3) Twenty-two dollars for a 6-chance application. A resident must possess a valid big game hunting license to be eligible to purchase a 6-chance application; or
- B. For a nonresident:
  - (1) Fifteen dollars for a one-chance application;
  - (2) Twenty-five dollars for a 3-chance application;
  - (3) Thirty-five dollars for a 6-chance application; and
  - (4) Fifty-five dollars for a 10-chance application; multiple 10-chance options may be purchased.

A clerk or agent appointed by the commissioner under section 10801 may process an application under this subsection. The clerk or agent shall charge a fee of \$2 for each application under this subsection processed by that clerk or agent.

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

Effective May 21, 2009.

**CHAPTER 187  
H.P. 486 - L.D. 703**

**An Act Regarding Claims for  
Civil Perjury**

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

**Sec. 1. 14 MRSA §870** is repealed and the following enacted in its place:

**§870. Judgment by perjury; action on case**

**1. Action; within 3 years.** When a judgment has been obtained against a party by the perjury of a witness introduced at the trial by the adverse party, the injured party may, within 3 years after that judgment or after final disposition of any motion for relief from the judgment, bring an action against such adverse party, or any perjured witness or confederate in the perjury, to recover the damages sustained by the injured party by reason of such perjury. The judgment in the former action does not bar an action under this section.

**2. Specificity of claim.** A claim under this section must identify the specific testimony alleged to be false at the initial filing of the claim.

**3. Record; evidence.** A claim may not be submitted under this section solely on the same record as

in the former trial. Evidence discoverable by due diligence before the trial cannot be introduced as new evidence to establish perjury.

**4. Standard of proof.** The plaintiff in an action under this section must prove the alleged perjury by clear and convincing evidence.

**5. Affirmative defense.** It is an affirmative defense to an action under this section that the plaintiff has no new evidence to present concerning the alleged perjury.

**6. Strictly construed.** The pleading and proof requirements of this section must be strictly construed.

See title page for effective date.

**CHAPTER 188  
H.P. 697 - L.D. 1009**

**An Act To Allow Lobster  
License Exemptions to Persons  
with Certain Medical Criteria**

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

**Sec. 1. 12 MRSA §6310, sub-§2, ¶A**, as enacted by PL 1999, c. 643, §1, is amended to read:

A. A Class I, Class II or Class III lobster and crab fishing license may be issued to a person on appeal only if:

(1) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in 1997, 1998 or 1999, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documentation from a physician describing the illness or other medical condition. A person may not request an appeal under this subparagraph after December 31, 2001;

(2) A substantial illness or medical condition on the part of the person or a family member prevented that person from meeting the eligibility requirements for a license in licensing year 2000 or in subsequent years, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the onset of the illness or medical condition. The person shall provide the commissioner with documenta-

tion from a physician describing the illness or other medical condition. A person must request an appeal under this subparagraph within one year of the onset of the illness or medical condition; ~~or~~

(3) Service in the United States Armed Forces or the United States Coast Guard precluded that person from participating in the lobster fishery and meeting the eligibility requirements for a license, and the person documents that the person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to entering the service. The person may not have served for more than 6 consecutive years since the most recent year in which the person held a license, and the person must have been honorably discharged from service. A person must request an appeal under this subparagraph within one year of discharge from service; ~~or~~

(4) That person was diagnosed with muscular dystrophy between 1983 and 1988 and that person harvested lobsters while in possession of a Class I, Class II or Class III lobster and crab fishing license within one year prior to the diagnosis but has not held a Class I, Class II or Class III lobster and crab fishing license since the year following that person's diagnosis with the disease. The person must provide the commissioner with documentation from a physician of the diagnosis of muscular dystrophy and a statement from a physician that the person is currently physically capable of safely conducting the activities involved with the commercial harvest of lobsters. A person that receives a Class I, Class II or Class III lobster and crab fishing license pursuant to this subparagraph is limited to 300 trap tags and those trap tags expire when the person is no longer eligible to hold the license and may not be counted in an exit ratio system for a lobster management zone. This subparagraph is repealed October 1, 2010.

**Sec. 2. 12 MRSA §6421, sub-§5, ¶A**, as repealed and replaced by PL 1997, c. 250, §1 and affected by §10, is amended to read:

A. Possessed a Class I, Class II or Class III lobster and crab fishing license in the previous calendar year or fulfills the requirements of section 6310, subsection 2, paragraph A, subparagraph (4);

**Sec. 3. Repeal.** This Act is repealed October 1, 2010.

See title page for effective date.

**CHAPTER 189  
S.P. 362 - L.D. 979**

**An Act To Require the  
Disclosure of Insurance Policy  
Limits to an Injured Party**

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

**Sec. 1. 24-A MRSA §2164-E** is enacted to read:

**§2164-E. Disclosure of coverage limits to claimant; penalty**

Upon written request by a claimant or the claimant's attorney, an insurer doing business in this State shall provide the claimant or the claimant's attorney with the liability coverage limits of that insurer's insured. The insurer must provide the liability coverage limits within 60 days of receipt of the written request.

An insurer who fails to comply with this section is subject to a penalty of \$500, plus reasonable attorney's fees and expenses incurred in obtaining the liability coverage limits.

See title page for effective date.

**CHAPTER 190  
S.P. 380 - L.D. 1016**

**An Act To Amend the Laws  
Governing Campaign Finance  
Reports and the Maine Clean  
Election Act**

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

**PART A**

**Sec. A-1. 21-A MRSA §1011, 2nd ¶**, as enacted by PL 1995, c. 483, §2, is amended to read:

Candidates for municipal office as defined in Title 30-A, section 2502, subsection 1 ~~and referenda as defined in Title 30-A, section 2502, subsection 2~~ are governed by this subchapter, with the following provisions:

**Sec. A-2. 21-A MRSA §1014, sub-§1**, as amended by PL 2007, c. 443, Pt. A, §9, is further amended to read:

**1. Authorized by candidate.** Whenever a person makes an expenditure to finance a communication expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, campaign signs or other outdoor advertising facilities, publicly accessible sites on