

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

the state fiscal biennium ending June 30th of that year.

5. Rules. The State Controller may adopt rules to implement the provisions of this section. Rules adopted under this subsection are major substantive rules pursuant to chapter 375, subchapter 2-A.

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

Effective April 11, 2011.

**CHAPTER 22
S.P. 203 - L.D. 622**

**An Act To Permit the Display
of the National Emergency
Service Medal on Registration
Plates of Recipients**

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

Sec. 1. 29-A MRSA §523, sub-§5, as amended by PL 2009, c. 437, §1, is further amended to read:

5. Special commemorative decals for medals, badges or ribbons awarded. The Secretary of State may issue special commemorative decals for use with special veterans registration plates to any person who served in the United States Armed Forces, was honorably discharged and was awarded a medal, badge or ribbon described in paragraphs A to Z AA when that person's application is accompanied by the appropriate military certification verifying that the medal, badge or ribbon was awarded to the applicant. One set of commemorative decals may be issued for each set of special veterans registration plates issued under this section. One set of 2 commemorative decals must be displayed on the front and back plates. The fee for a set of commemorative decals may not exceed \$5.

Special commemorative decals may be issued to applicants awarded the following medals, badges or ribbons:

- A. Distinguished Service Cross;
- B. Navy Cross;
- C. Air Force Cross;
- D. Silver Star;
- E. Distinguished Flying Cross;
- F. Bronze Star;
- G. Soldier's Medal;
- H. Navy or Marine Corps Medal;

- I. Airman's Medal;
- J. Coast Guard Medal;
- K. Asiatic-Pacific Campaign Medal;
- L. European-African-Middle Eastern Campaign Medal;
- M. Korean Service Medal;
- N. Vietnam Service Medal;
- O. Southwest Asia Service Medal;
- P. Armed Forces Expeditionary Medal;
- Q. Kosovo Service Medal;
- R. Korea Defense Service Medal;
- S. Global War on Terrorism Medal;
- T. Iraq Campaign Medal;
- U. Afghanistan Campaign Medal;
- V. United States Army Combat Infantry Badge;
- W. United States Army Combat Medic Badge;
- X. United States Army Combat Action Badge;
- Y. United States Navy, Marine Corps or Coast Guard Combat Action Ribbon; ~~and~~
- Z. United States Air Force Combat Action Medal; and
- AA. National Emergency Service Medal.

Sec. 2. 29-A MRSA §523, sub-§7, as enacted by PL 2009, c. 437, §2, is amended to read:

7. Moratorium on special commemorative decals for medals, badges or ribbons awarded. During the period beginning October 1, 2009 and ending October 1, 2014, the Secretary of State may not issue any special commemorative decals not authorized by subsection 5, paragraphs A to Z AA or subsection 6, paragraphs A to E for use with special veterans registration plates.

See title page for effective date.

**CHAPTER 23
H.P. 126 - L.D. 143**

**An Act Relating to Disability
License Plates and Placards for
People with Permanent
Disabilities**

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

Sec. 1. 29-A MRSA §521, sub-§5, as amended by PL 2009, c. 143, §1, is further amended to read:

5. Application; issuance. An application for a disability plate or placard must be accompanied by the certificate of a physician, physician assistant, nurse practitioner or registered nurse attesting to that person's physical disability as defined in subsection 1. The Secretary of State shall issue to an eligible applicant disability plates and windshield placards upon request. Proof of a disability must be submitted every 4 years on a form prescribed by the Secretary of State except when the physician, physician assistant, nurse practitioner or registered nurse certifies the disability as permanent or except when an eligible applicant requests that the disability plate or placard expire upon the expiration date of that person's driver's license or nondriver identification card issued by this State, whichever is applicable. When the Secretary of State determines the disability to be permanent from the application, the time may be extended disability plate or placard expires upon the expiration date of that person's driver's license or nondriver identification card issued by this State. The applicant is not required to continue to provide proof of disability upon renewal of the applicant's disability plate or placard. When the applicant's need for the disability plate or placard terminates or the applicant dies, the plate or placard must be immediately returned to the Secretary of State. Notwithstanding subsection 2, paragraphs B and C, the provisions of this subsection, as regards the issuance of a disability plate or placard for a person with a permanent disability, apply only to that person.

See title page for effective date.

CHAPTER 24

H.P. 116 - L.D. 134

An Act To Protect Native Landlocked Salmon Fisheries from Invasive Fish Species

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

Sec. 1. 12 MRSA §12760, sub-§1, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

1. Commissioner's authority. In order to conserve, develop or restore anadromous or migratory fish resources, the commissioner may require a fishway to be erected, maintained, repaired or altered by the owners, lessors or other persons in control of any dam or other artificial obstruction within inland waters frequented by alewives, shad, salmon, sturgeon or other anadromous or migratory fish species.

The commissioner may not require or authorize a fishway or fish bypass structure at a dam on the outlet of Sebec Lake in the Town of Sebec or at a dam on the Sebec River in the Town of Milo that would allow the

upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage. For the purposes of this section, "invasive fish species" means those invasive fish species identified in the action plan for managing invasive aquatic species developed pursuant to Title 38, section 1872.

Sec. 2. 12 MRSA §12760, sub-§9 is enacted to read:

9. Sebec Lake and Sebec River dams; fishways prohibited. Notwithstanding any other provision of law to the contrary, the owners, lessors or other persons in control of a dam on the outlet of Sebec Lake in the Town of Sebec or a dam on the Sebec River in the Town of Milo may not construct or authorize the construction of a fishway or fish bypass structure that would allow the upstream passage of an invasive fish species known to be present downstream in the Piscataquis River or Penobscot River drainage.

A. A person who violates this subsection commits a civil violation for which a fine of not less than \$500 or more than \$1,000 may be adjudged.

B. A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

See title page for effective date.

CHAPTER 25

H.P. 96 - L.D. 114

An Act To Allow Vietnam War Era Veterans To Receive High School Diplomas

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

Sec. 1. 20-A MRSA §4722, sub-§6, ¶C, as enacted by PL 2001, c. 85, §1, is amended to read:

C. The person must have left secondary school either:

(1) Before or during World War II to serve in the Armed Forces during World War II; ~~or~~

(2) Before or during the Korean Conflict to serve in the Armed Forces in the Korean Conflict; ~~or~~

(3) Before or during the Vietnam War to serve in the Armed Forces during the Vietnam War era. For purposes of this subparagraph, "Vietnam War era" means the period