

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

effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

Sec. 3. 7 MRSA §3907, sub-§24-A, as enacted by PL 2007, c. 664, §10, is amended to read:

24-A. Service dog. "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

Sec. 4. 7 MRSA §3961-A, last ¶, as amended by PL 2007, c. 664, §13, is further amended to read:

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

Sec. 5. 17 MRSA §1011, sub-§24-A, as enacted by PL 2007, c. 664, §16, is amended to read:

24-A. Service dog. "Service dog" means a dog that meets the definition of "service animal" set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

Sec. 6. 17 MRSA §1312, sub-§7, as amended by PL 2007, c. 664, §20, is further amended to read:

7. Service dog; definition. As used in this section, "service dog" means a dog that meets the definition of "service animal" in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph B.

Sec. 7. 17 MRSA §1313, as amended by PL 2007, c. 664, §21, is further amended to read:

§1313. Motor vehicle drivers

The driver of a vehicle approaching a totally or partially blind or otherwise physically disabled pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a service dog as defined in section 1312, subsection 7 shall take all necessary precautions to avoid injury to that blind or otherwise physically disabled pedestrian, and any driver who fails to take such precautions is liable in damages for any injury caused the pedestrian. A totally or partially blind or otherwise physically disabled pedestrian, not carrying such a cane or using a service dog in any of the places, accommodations or conveyances listed in section 1312, has all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind or otherwise physically disabled pedestrian to carry such a cane or to use a service dog in any such places, accommodations or conveyances may not be held to constitute nor be evidence of contributory negligence.

Sec. 8. 17 MRSA §1314-A, as amended by PL 2007, c. 664, §22, is further amended to read:

§1314-A. Misrepresentation of service dog

A person who fits a dog with a harness, collar, vest or sign of the type commonly used by blind persons in order to represent that the dog is a service dog or commonly used by persons with disabilities to represent that the dog is a service dog when training of the type that guide dogs normally receive has not been provided or when the dog does not meet the definition of "service dog" as defined in section 1312, subsection 7 commits a civil violation for which a fine of not more than \$500 may be adjudged.

Sec. 9. 17 MRSA §3966, last ¶, as amended by PL 2007, c. 664, §23, is further amended to read:

For the purposes of this section, "service animal" has the same meaning as set forth in Title 5, section 4553, subsection ~~9-D~~ 9-E, paragraph A or B.

See title page for effective date.

CHAPTER 370

H.P. 235 - L.D. 291

**An Act Regarding the Moose
Lottery and Moose
Management**

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

Sec. 1. 12 MRSA §10206, sub-§9, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §50 and affected by §422, is repealed.

Sec. 2. 12 MRSA §10263 is enacted to read:

§10263. Moose Research and Management Fund

The Moose Research and Management Fund, referred to in this section as "the fund," is established within the department as a nonlapsing fund to be used by the commissioner to fund or assist in funding the research and the management of moose. One hundred dollars from each nonresident or alien moose hunting permit issued under section 11154, subsection 3 must be deposited in the fund. In addition, up to \$25,000 may be deposited in the fund from the revenues generated by moose hunting application and permit fees to carry out the department's documented moose research. The commissioner may accept and deposit into the fund monetary gifts, donations or other contributions from public or private sources for the purposes specified in this section. The fund must be held separate and apart from all other money, funds and accounts.

Sec. 3. 12 MRSA §11109-A, sub-§1, as enacted by PL 2005, c. 477, §4, is amended to read:

1. Moose lottery chances. A super pack license includes, upon application, ~~6 chances~~ one chance in the moose lottery under section 11154, subsection 6.

Sec. 4. 12 MRSA §11154, sub-§3, as amended by PL 2009, c. 213, Pt. OO, §7, is further amended to read:

3. Moose hunting permit fee. The fee for a moose hunting permit is \$52 for a resident and ~~\$484~~ \$585 for a nonresident or alien.

Sec. 5. 12 MRSA §11154, sub-§5, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

5. Eligibility. Except as provided in this subsection, a resident, nonresident or alien who is eligible to obtain a Maine hunting license or who will be eligible to obtain a Maine hunting license by the opening day of the open moose season is eligible to apply for a moose hunting permit. ~~A Beginning in 2011,~~ a person who has obtained a moose hunting permit is ineligible to obtain another permit until ~~2~~ 3 years have elapsed after the issuance of the last permit. This limitation does not apply to subpermittees under subsection 7.

Sec. 6. 12 MRSA §11154, sub-§6, as amended by PL 2009, c. 186, §4, is further amended to read:

6. Application procedure. An eligible person wishing to apply for a permit must file a written application for a permit on a form furnished by the commissioner. The application fee is nonrefundable. A person may file no more than one application. A person who submits more than one application is disqualified from the selection of permittees. The application must be accompanied by an application fee of:

- A. For a resident:
 - (1) ~~Seven~~ Fifteen dollars for a one-chance application; or
 - ~~(2) Twelve dollars for a 3-chance application. A resident must possess a valid big game hunting license to be eligible to purchase a 3-chance application; and~~
 - ~~(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.

The commissioner shall allow an applicant to indicate that that applicant does not want to receive a moose permit pursuant to the application but wishes to receive the corresponding points under subsection 8 for that application.

Sec. 7. 12 MRSA §11154, sub-§7, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

7. Subpermittees. An applicant for a moose permit may indicate on the application filed pursuant to subsection 6 the name of a subpermittee-designate and the name of an alternate subpermittee-designate. If the applicant is issued a moose permit under subsection 9 and upon application to the commissioner, the permittee may change that person's subpermittee-designate or alternate subpermittee-designate until 30 days prior to the start of the moose hunting season for which the permit was issued. Thirty days prior to the start of the applicable moose hunting season, the subpermittee-designate becomes a subpermittee ~~and the~~ permittee may authorize the subpermittee to participate in the moose hunt with the permittee. The permittee may authorize the alternate subpermittee-designate to participate in the hunt in place of the subpermittee-designate if the permittee notifies the department of the authorization at least 5 business days prior to the first day of the moose season, in which case the alternate subpermittee-designate becomes the subpermittee. The permittee may choose not to authorize a subpermittee to participate in the hunt.

A. A person may not sell a subpermittee or an alternate subpermittee designation.

B. A person who violates paragraph A commits a Class E crime.

Sec. 8. 12 MRSA §11154, sub-§8, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed and the following enacted in its place:

8. Point system for public chance drawing. A person accumulates points as follows for each consecutive year that person purchases an application for a moose hunting permit but is not selected to receive a permit:

A. One point each year for the first 5 years;

B. Two points each year for years 6 to 10;

C. Three points each year for years 11 to 15; and

D. Ten points each year after the 15th year.

Each point entitles an applicant to one chance in the public chance drawing. A person's accumulated points are eliminated and that person begins to accumulate points anew if in any year that person is selected to receive a moose hunting permit or if that person fails to purchase a new chance in any 2 consecutive years.

A person who is ineligible to receive a moose hunting permit as provided in subsection 5 may continue to purchase points for each year that person is ineligible to receive a moose hunting permit for the corresponding application fee under subsection 6.

Sec. 9. 12 MRSA §11154, sub-§11, ¶B, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

B. A person who applies for a moose hunting permit under this subsection is subject to the eligibility provisions of subsection 5, except that a successful applicant is not required to wait 2 3 years in order to obtain another permit.

Sec. 10. Appropriations and allocations.

The following appropriations and allocations are made.

**INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF**

Resource Management Services - Inland Fisheries and Wildlife 0534

Initiative: Establishes the Moose Research and Management Fund.

OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
All Other	\$18,750	\$25,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$18,750	\$25,000

See title page for effective date.

CHAPTER 371

S.P. 392 - L.D. 1271

An Act To Require Use of the Electronic Death Registration System

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

Sec. 1. 22 MRSA §2845, as amended by PL 2003, c. 74, §3, is further amended to read:

§2845. Certificate of death typewritten or hand printed

Any A death certificate required to be filed by under this chapter by an authorized person as described in section 2846 must be typewritten or legibly hand printed prior to such filing.

Sec. 2. 22 MRSA §2847 is enacted to read:

§2847. Electronic death registration system

Beginning July 1, 2012, a certificate of death required to be filed by any person authorized under section 2842 pursuant to this chapter may be filed using the electronic death registration system maintained by the State Registrar of Vital Statistics. This section does not apply to an authorized person under section 2846. The State Registrar of Vital Statistics shall adopt rules to carry out the purposes of this section. Rules adopted pursuant to this section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

Sec. 3. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 22, section 2845 takes effect July 1, 2012.

See title page for effective date, unless otherwise indicated.

CHAPTER 372

H.P. 804 - L.D. 1069

An Act To Promote Visual and Digital Media Productions, Tourism and Job Creation in the State

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

Sec. 1. 5 MRSA §13090-M is enacted to read:

§13090-M. Visual and Digital Media Loan Program

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "B-roll" means scenic background film footage that does not include actors and is not used in the final visual media production.

B. "Digital media project" has the same meaning as in section 13090-L, subsection 2-A, paragraph A.

C. "Fund" means the Visual and Digital Media Loan Fund, established pursuant to Title 10, section 1023-O.

D. "Program" means the Visual and Digital Media Loan Program established in subsection 2.