

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

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FIRST REGULAR SESSION
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2013

volunteer participants in a career-oriented law enforcement program and perform traffic control duties at civic events pursuant to section 786.

Sec. 2. 26 MRSA §786 is enacted to read:

§786. Traffic control duties

1. Traffic control duties permitted. Notwithstanding any other provision of this article, a minor who is 14 years of age or older and is a volunteer participant in a career-oriented law enforcement program may perform traffic control duties in accordance with this section.

2. Training. A minor may not perform traffic control duties under this section until the minor has received traffic control training in accordance with the requirements of the supervising law enforcement agency. Proof of the minor's successful completion of the training must be maintained by the law enforcement agency.

3. Supervision. A minor may perform traffic control duties only under direct supervision of a law enforcement officer as part of a career-oriented law enforcement program. This supervision must:

A. Be from a close distance so that the officer does not become distracted or perform other duties; and

B. Include means of radio contact in the event that the minor needs to contact another officer for assistance.

4. Limitations on events. A minor may perform traffic control duties only at civic events, fair parking lots, parades, walks, foot races, car shows and charity events.

5. Limitations on locations. A minor may not:

A. Direct traffic or pedestrians on busy roadways or thoroughfares;

B. Assist in traffic control at places of heightened danger such as traffic stops or roadblocks;

C. Direct traffic in conjunction with crowd control or riot control;

D. Collect donations at a traffic light;

E. Direct traffic at funeral processions; or

F. Direct traffic at the scene of an emergency.

6. Night activities prohibited. A minor may perform the activities authorized under this section only during the period from sunrise to sunset.

See title page for effective date.

CHAPTER 143

H.P. 379 - L.D. 560

An Act To Establish Maine Seniors Day

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

Sec. 1. 1 MRSA §150-J is enacted to read:

§150-J. Maine Seniors Day

In recognition of the service and contributions of senior citizens in the State, and for those who continue to enhance the quality of life in the State with their values and experiences, the State designates the 2nd Saturday in September of each year as Maine Seniors Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity and encouraging businesses of the State to offer incentives for senior citizens to frequent their establishments. State agencies with promotional budgets may promote Maine Seniors Day prior to and on the 2nd Saturday in September.

See title page for effective date.

CHAPTER 144

H.P. 848 - L.D. 1204

An Act To Clarify the Appeal Process of Code Enforcement Officers and Boards of Appeal

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

Sec. 1. 30-A MRSA §2691, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8, 10, is further amended to read:

4. Jurisdiction. Any municipality establishing a board of appeals may give the board the power to hear any appeal by any person, affected directly or indirectly, from any decision, order, regulation or failure to act of any officer, board, agency or other body when an appeal is necessary, proper or required. No board may assert jurisdiction over any matter unless the municipality has by charter or ordinance specified the precise subject matter that may be appealed to the board and the official or officials whose action or nonaction may be appealed to the board. Absent an express provision in a charter or ordinance that certain decisions of its code enforcement officer or board of appeals are only advisory or may not be appealed, a notice of violation or an enforcement order by a code enforcement officer under a land use ordinance is reviewable on appeal by the board of appeals and in turn

by the Superior Court under the Maine Rules of Civil Procedure, Rule 80B. Any such decision that is not timely appealed is subject to the same preclusive effect as otherwise provided by law. Any board of appeals shall hear any appeal submitted to the board in accordance with Title 28-A, section 1054.

See title page for effective date.

CHAPTER 145
S.P. 304 - L.D. 879

**An Act To Increase State
Wildlife Revenues and Grow
the Hunting and Fishing
Industries**

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

Sec. 1. 12 MRSA §10853, sub-§4, as amended by PL 2007, c. 651, §10, is further amended to read:

4. Disabled veteran. A resident disabled veteran or a nonresident disabled veteran who is a resident of New Hampshire or Vermont may obtain upon application, at no cost, all hunting, trapping and fishing licenses, including permits, stamps and other permission needed to hunt, trap and fish, and, upon meeting the qualifications as established in section 12853, subsection 4, a guide license. The commissioner shall issue all fishing, trapping and hunting licenses and permits requested under this subsection if the commissioner determines the applicant is a ~~resident~~ disabled veteran and is not otherwise ineligible to hold that permit or license. For the purposes of this subsection, "~~resident~~ disabled veteran" means a person who:

- A. Is a resident as defined in section 10001, subsection 53 or is a resident of New Hampshire or Vermont;
- B. Is a veteran as defined in Title 37-B, section 505, subsection 2, paragraph A, subparagraph (3); and
- C. Has a service-connected disability evaluated at:
 - (1) One hundred percent; or
 - (2) Seventy percent or more as a result of honorable military service and who has served in a combat zone during any armed conflict in which participants were exposed to war risk hazards as defined in 42 United States Code, Section 1711 (b).

Each application must be accompanied by satisfactory evidence that the applicant meets the requirements of this subsection. An applicant for a license or permit

under this section is subject to the provisions of this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. A permit or license issued under this subsection remains valid for the life of the permit or license holder, as long as the permit or license holder continues to satisfy the residency requirement in section 10001, subsection 53 and the permit or license is not revoked or suspended. For a resident of New Hampshire or Vermont to be eligible under this subsection, that resident's state must have a reciprocal agreement with this State.

See title page for effective date.

CHAPTER 146
S.P. 121 - L.D. 326

**An Act To Update the Maine
Emergency Management Laws**

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

Sec. 1. 37-B MRSA §701, sub-§3, as enacted by PL 1983, c. 460, §3, is amended to read:

3. Emergency powers. Confer upon the Governor and the executive heads of governing bodies of the political subdivisions of the State certain emergency powers; ~~and~~

Sec. 2. 37-B MRSA §701, sub-§4, as repealed and replaced by PL 2003, c. 510, Pt. A, §32, is amended to read:

4. Mutual aid. Provide for the rendering of mutual aid among the political subdivisions of the State and with other states and provinces of Canada for the accomplishment of emergency management functions; and

Sec. 3. 37-B MRSA §701, sub-§5 is enacted to read:

5. Homeland security. Authorize the Maine Emergency Management Agency to coordinate the State's homeland security-related preparedness, response, recovery, prevention and protection activities.

Sec. 4. 37-B MRSA §702, as amended by PL 2001, c. 662, §73, is further amended to read:

§702. Policy

It is declared to be the policy of the State that all emergency management and homeland security functions be coordinated to the maximum extent with the comparable functions of the Federal Government, including its various departments and agencies, of other states and localities, and of private agencies so that the most effective preparation and use may be made of the