

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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an employee in the classified service for cause. This right is subject to the right of appeal and arbitration of grievances set forth in the applicable labor contract, in sections 7081 to 7084 or by civil service rule; and sections 7081 to 7084 shall apply to any employee who has satisfactorily completed an initial probationary period. This subsection does not apply to unclassified employees listed in section 931, nor does this subsection in any way limit the collective bargaining rights of classified and unclassified employees. This subsection does not apply to an employee appointed to a major policy-influencing position listed in sections 932 to 953.

Notwithstanding any other provision of law, the head of any institution under the control of the Department of Mental Health and Mental Retardation as the appointing authority may suspend with pay any employee who is charged by indictment with the commission of a criminal offense involving acts alleged to have been perpetrated upon any resident or residents of any such institution. Any suspension with pay may be authorized by the appointing authority only when to permit the employee to remain on duty at the institution would be against the best interest of any one or more of the residents of the institution, and authorization for suspension with pay shall apply only during the pendency of the criminal proceedings in the trial court, but not longer than 30 working days. Sections 7081 to 7084 shall not apply to suspension with pay ordered by the appointing authority under this paragraph.

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

Effective February 20, 1987.

CHAPTER 10

H.P. 26 — L.D. 23

AN ACT to Extend Immunity from Civil Liability for the Unlawful Cutting of Trees to Municipal Employees Acting within the Course and Scope of their Employment.

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

17 MRSA §2510, sub-§1, ¶C, as enacted by PL 1981, c. 355, is amended to read:

C. ~~Licensed arborists in removing street trees or property line trees under contract with a municipality or private individual; or in removing blowdown trees in emergencies~~ municipal employees acting within the course and scope of their employment, in removing street trees or property line trees under ordinary circumstances or blown down trees in emergencies; and

Effective September 29, 1987.

CHAPTER 11

H.P. 65 — L.D. 68

AN ACT Relating to the Maine Veterans' Homes.

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

Sec. 1. 14 MRSA §8102, sub-§4, as amended by PL 1985, c. 695, §9, is further amended to read:

4. State. "State" means the State of Maine or any office, department, agency, authority, commission, board, institution, hospital or other instrumentality thereof, including the Maine Turnpike Authority, the Maine Port Authority, the Maine Vocational-Technical Institute System, the Maine Veterans' Homes and all such other state entities.

Sec. 2. 37-B MRSA §604, sub-§8 is enacted to read:

8. Assistance. Every department and agency of the State, when requested, may furnish such assistance, counsel or advice as the board may require in the discharge of its duties.

Effective September 29, 1987.

CHAPTER 12

S.P. 74 — L.D. 157

AN ACT Concerning Enhancement of Theft Penalties Based on Prior Convictions.

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

17-A MRSA §362, sub-§3-A, as enacted by PL 1985, c. 239, §2, is amended to read:

3-A. Theft, or any attempt at theft, is a Class C crime if the actor has 2 prior Maine convictions for any combination of theft, any violation of section 702, 703 or 708 or any violation of section 401 in which the crime intended to be committed inside the structure is theft, any violation of section 651 or attempts thereat. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same day. This subsection does not apply if the commission of the 2 prior offenses occurred within a 3-day period. The date of a conviction shall be deemed the date that sentence is imposed, even though an appeal was taken. The date of a commission of prior offenses shall be presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.