

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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

J.S. McCarthy Company
Augusta, Maine
1999

tained by a political party for the general purpose of party building and provided to a candidate who is a member of that party;

(10) Compensation paid by a political party to an employee of that party for the following purposes:

(a) Providing advice to any one candidate for a period of no more than 20 hours in any election;

(b) Recruiting and overseeing volunteers for campaign activities involving 3 or more candidates; or

(c) Coordinating campaign events involving 3 or more candidates;

(11) Campaign training sessions provided to 3 or more candidates; or

(12) The use of offices, telephones, computers and similar equipment when that use does not result in additional cost to the provider.

See title page for effective date.

CHAPTER 433

H.P. 69 - L.D. 82

An Act to Amend the Laws Prohibiting Terrorizing

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

Sec. 1. 17-A MRSA §210, sub-§1, as amended by PL 1977, c. 671, §§23 and 24, is further amended to read:

1. A person is guilty of terrorizing if ~~he~~ that person communicates to any person a threat to commit or to cause to be committed a crime of violence dangerous to human life, against the person to whom the communication is made or another, and the natural and probable consequence of such a threat, whether or not such consequence in fact occurs, is:

A. To place the person to whom the threat is communicated or the person threatened in reasonable fear that the crime will be committed; or

B. To cause evacuation of a building, place of assembly or facility of public transport or to cause the occupants of a building to be moved to

or required to remain in a designated secured area.

See title page for effective date.

CHAPTER 434

S.P. 110 - L.D. 307

An Act to Establish the Crime of Aggravated Criminal Trespass

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

Sec. 1. 17-A MRSA §402-A is enacted to read:

§402-A. Aggravated criminal trespass

1. A person is guilty of aggravated criminal trespass if, knowing that that person is not licensed or privileged to do so, that person enters a dwelling place and:

A. While in the dwelling place violates any provision of chapter 9 or chapter 11; or

B. At the time of the offense, has 2 prior convictions for burglary in a dwelling place or criminal trespass in a dwelling place. For purposes of this paragraph, the dates of the prior convictions must precede the commission of the offense by no more than 10 years. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of a prior offense is presumed to be that stated in the complaint, information, indictment or other formal charging instrument, notwithstanding the use of the words "on or about" or the equivalent.

2. Aggravated criminal trespass is a Class C crime.

See title page for effective date.

CHAPTER 435

H.P. 688 - L.D. 944

An Act to Protect Victims of Crimes in the Workplace

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

Sec. 1. 26 MRSA §850 is enacted to read:

§850. Employment leave for victims of violence

1. Required leave. An employer must grant reasonable and necessary leave from work, with or without pay, for an employee to:

A. Prepare for and attend court proceedings;

B. Receive medical treatment; or

C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. An employer may not sanction an employee or deprive an employee of pay or benefits for exercising a right granted by this section.

2. Exceptions. Subsection 1 is not violated if:

A. The employer would sustain undue hardship from the victim's absence;

B. The request for leave is not communicated to the employer within a reasonable time under the circumstances; or

C. The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer.

3. Civil penalties. The Department of Labor may assess civil penalties of up to \$200 for each violation of this section, if notice of the violation was given to the employer and the department within 6 months of the occurrence.

Sec. 2. Notice. The Bureau of Labor Standards shall include notice of the provisions of this Act in its next reprinting of the Regulation of Employment poster.

Sec. 3. Report. The Department of Labor shall report back to the Joint Standing Committee on Labor regarding workplace safety as it pertains to violent crime by December 31, 1999. The committee is authorized to report out legislation to the Second Regular Session of the 119th Legislature in response to the report.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1999-00

LABOR, DEPARTMENT OF

Administration - Bureau of Labor Standards

All Other \$9,500

Provides funds on a one-time basis for the cost of adopting rules and holding public hearings and forums related to the granting of leave for employees who are victims of violence and abuse.

See title page for effective date.

CHAPTER 436

S.P. 240 - L.D. 662

An Act to Amend Maine's Boating Laws Pertaining to Noise Limits on Watercraft

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

Sec. 1. 12 MRSA §7801, sub-§33, as enacted by PL 1997, c. 739, §6, is amended to read:

33. Operating airmobile or motorboat that exceeds noise limits. A person is guilty of operating a watercraft that exceeds the noise limit if that person operates an airmobile or motorboat ~~powered by an engine constructed~~ in such a manner as to exceed:

~~A. On or after January 1, 1998 that emits more than 78 decibels of sound pressure at a distance of 50 feet using a method~~ A noise level of 90 decibels when subjected to a stationary sound level test as prescribed by the commissioner; or

~~B. Before January 1, 1998 that emits more than 82 decibels of sound pressure at a distance of 50 feet using a method~~ A noise level of 75 decibels when subjected to an operational test measured as prescribed by the commissioner.

Sec. 2. Transfer authorized. A transfer of \$6,000 in fiscal year 1999-00 is authorized from the Carrying Balance Account program within the Department of Inland Fisheries and Wildlife to the Enforcement Operations - Inland Fisheries and Wildlife program for the purchase of 5 noise meters.

See title page for effective date.
