

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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State, shall be responsible for the burial costs of the eligible person in proportion to their respective abilities.

Effective September 19, 1985.

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## CHAPTER 246

H.P. 1043 - L.D. 1518

### AN ACT Concerning the Composition of the Board of Elevator and Tramway Safety.

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

Sec. 1. 26 MRSA §472, sub-§12-A is enacted to read:

12-A. Physically handicapped person. "Physically handicapped person" means a person who has a physiological disability, infirmity, malformation, disfigurement or condition which eliminates or severely limits the person's ability to have access to his environment by normal ambulatory function, thereby necessitating the use of crutches, a wheelchair or other similar device for locomotion.

Sec. 2. 26 MRSA §475, 2nd ¶, as amended by PL 1981, c. 168, §26, is further amended to read:

The board shall consist of 9 members, of whom 7 6 shall be appointed to membership by the director, subject to the approval of the Governor. Each member shall hold office until his successor is duly appointed. At the expiration of each member's term, his successor shall be appointed by the director, subject to the approval of the Governor, from the same classification in accordance with this section for a term of 4 years. In case of a vacancy in board membership, the director, with the approval of the Governor, shall appoint a member of the proper classification to serve the term of the absent member. Of the ~~7~~ 6 appointed members of the board, appointed by the director, one shall be representative of owners or lessees of elevators within the State; one shall be a representative of manufacturers of elevators; ~~one shall be a representative of insurance companies licensed to insure elevators and tramways in the State;~~ one shall be a licensed elevator mechanic; one shall be a representative of a ski area operator presently

operating tramways in the State; one shall be a qualified licensed professional engineer, who is familiar with tramway design, inspection and operation; and one shall be a representative of the skiing public who regularly uses tramways public member. The 7th member of the board shall be a physically handicapped person appointed by the Director of the Bureau of Rehabilitation, subject to the approval of the Governor, for a term of 4 years. The 8th member of the board shall be a member of the Division of Fire Prevention appointed by the Commissioner of Public Safety and the 9th member of the board shall be the Director of the Bureau of Labor Standard Standards, who shall be chairman of the board.

Effective September 19, 1985.

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## CHAPTER 247

S.P. 283 - L.D. 772

AN ACT to Amend the Statutes on Sex Offenses.

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

Sec. 1. 17-A MRSA §252, as amended by PL 1981, c. 252, §2, is further amended to read:

§252. Rape

1. A person is guilty of rape if he engages in sexual intercourse:

A. With any person, not his spouse, who has not in fact attained his 14th birthday; or

B. With any person, not his spouse, and the person submits as a result of compulsion, as defined in section 251, subsection 1, paragraph E.

2. It is an affirmative defense to a prosecution under subsection 1, paragraph B that the defendant and the victim were living together as man and wife at the time of the crime.

3. Rape is a Class A crime. It is a defense to a prosecution under subsection 1, paragraph B, which reduces the crime to a Class B crime that the victim was a voluntary social companion of the defendant at