

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Effective September 29, 1987.

CHAPTER 58

H.P. 582 — L.D. 780

AN ACT Regarding the Membership of the Maine Committee on Aging.

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

Sec. 1. 22 MRSA §5108, as amended by PL 1983, c. 862, §72, is repealed.

Sec. 2. 22 MRSA §5108-A is enacted to read:

§5108-A. Committee established; memberships; appointments

The Maine Committee on Aging, established pursuant to Title 5, chapter 379, is an independent agency outside the Department of Human Services.

1. Membership, general qualifications. The committee shall be composed of 15 members who shall be citizens of the State. The members shall have an unselfish and demonstrated interest in older people, a knowledge of the status of survival common to the State's elderly and an unwavering allegiance to the challenge of the declaration of a people made by older Americans.

2. Appointment; specific qualifications. Members of the committee shall meet the specific qualifications of and shall be appointed as provided in this subsection.

A. The Governor shall appoint 13 members who are current leaders of the State's elderly from a number of fields, such as income, health, housing and community and social services, and who have proven experience in private, public and voluntary organizations on the state, regional and community level, such as statewide membership groups, task forces on aging, regional and county councils of older people and municipal level senior citizens clubs.

B. At least 2 members of the committee shall be current Members of the Legislature, one from the House of Representatives who shall be appointed by the Speaker of the House and one from the Senate who shall be appointed by the President of the Senate.

C. At least 8 members shall be older Americans. An official, employee, consultant or any other individual employed, retained or otherwise compensated by or representative of the executive branch of State Government shall not be a member of the committee.

3. Terms and reappointments. Legislative members shall serve during their legislative terms. The other

members shall be appointed for terms of 3 years. Members may be reappointed, but no member may serve more than 2 consecutive full terms of 3 years each. Members may serve after the expiration of their terms until their successors have been appointed and qualified.

A. The Governor may terminate the appointment of any member of the committee appointed by him for just cause and the reason for the termination of each appointment shall be communicated to each member terminated. The appointment of any member of the committee shall be terminated if a member is absent from 3 consecutive meetings without just cause that is communicated to the chairman.

4. Vacancies. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of that term.

A. Any vacancy in the committee shall not affect its powers, but shall be filled in the same manner as the original appointment was made.

5. Chairman; number of meetings. The Governor shall designate the chairman from among the members appointed to the committee. The committee shall meet at the call of the chairman, but not less often than 4 times a year.

Sec. 3. 22 MRSA §5109, as amended by PL 1973, c. 793, §9, is repealed.

Effective September 29, 1987.

CHAPTER 59

H.P. 706 — L.D. 948

AN ACT Relating to Drinking on Public Beaches.

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

17 MRSA §2003-A, sub-§1, ¶D, as enacted by PL 1981, c. 418, §2, is amended to read:

D. "Public place" means:

(1) A place owned or operated by a governmental entity to which the public at large or a substantial group has access, including but not limited to:

(a) Public ways as defined in Title 17-A, section 505;

(b) Schools, government-owned custodial facilities; and

(c) The lobbies, hallways, lavatories, toilets and basement portions of apartment houses, hotels, public buildings and transportation terminals; and

(d) Public beaches; and

(2) Private ways and parking areas, physically adjacent to public ways and designed primarily for vehicular traffic.

Effective September 29, 1987.

CHAPTER 60

H.P. 214 — L.D. 266

AN ACT to Amend the State Antitrust Laws.

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

Sec. 1. 10 MRSA §1104, as amended by PL 1985, c. 349, is repealed and the following enacted in its place:

§1104. Right of action and damages

1. Right of action and damages. Any person, including the State or any political subdivision of the State, injured in its business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by section 1101, 1102 or 1102-A, may sue for the injury in a civil action. If the court finds for the plaintiff, he shall recover 3 times the amount of the damages sustained and cost of suit, including necessary and reasonable investigative costs, reasonable experts' fees and reasonable attorneys fees.

2. Injunction. The Attorney General may institute proceedings in equity to prevent and restrain violations of sections 1101, 1102 and 1102-A.

A. These proceedings may be by way of petitions setting forth the case and praying that the violation shall be enjoined or otherwise prohibited.

B. When the parties complained of have been duly notified of that petition, the court shall proceed as soon as possible to the hearing and determination of the case.

C. Pending the petition and before final decree, the court may at any time make such temporary restraining order or prohibition as considered just under the circumstances.

3. Civil penalty. Each course of conduct which constitutes a violation of sections 1101 and 1102 is a civil violation for which a civil penalty of not more than \$50,000 for each defendant shall be adjudged.

A. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged.

B. An action to recover a civil penalty from a defendant under this section shall bar a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based.

C. A criminal prosecution against a defendant pursuant to section 1101 or 1102 shall bar any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

4. Recovery of damages, costs and fees for antitrust violations from any political subdivision official or employee of a political subdivision acting in an official capacity. No damages, interest on damages, costs or attorneys fees may be recovered under this chapter from any political subdivision, as defined in Title 14, section 8102, subsection 3, or official or employee of a political subdivision acting in an official capacity.

5. Recovery of damages, costs and fees for antitrust violations on claim against person based on official action directed by political subdivision, or official or employee of a political subdivision acting in an official capacity. No damages, interest on damages, costs or attorneys fees may be recovered under this chapter in any claim against a person based on any official action directed by a political subdivision, as defined in Title 14, section 8102, subsection 3, or official or employee of a political subdivision acting in an official capacity.

Sec. 2. Application. This Act does not apply to any case commenced before the effective date of this Act, except that that part of this Act designated the Maine Revised Statutes, Title 10, section 1104, subsection 4, does not apply to any case commenced before the effective date of this Act unless the defendant establishes and the court determines, in light of all the circumstances, including the stage of litigation and the availability of alternative relief under any other law, that it would be inequitable not to apply that part of this Act to a pending case.

Effective September 29, 1987.

CHAPTER 61

H.P. 231 — L.D. 299

AN ACT Concerning Good Time and Meritorious Good Time Relative to Parole Eligibility.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, unless this bill is enacted as emergency legislation, it will not take effect before many of those sentenced pursuant to precode law, who would benefit from