

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

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AS PASSED AT THE
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1987

Transfers \$2,000,000 from the Rainy Day Fund to the Finance Authority of Maine for the Natural Disaster Business Assistance Fund. All amounts in the fund on December 31, 1987, and all amounts received in repayment of loans from the fund thereafter shall be repaid to the Department of Finance and deposited in the Rainy Day Fund.

MAINE STATE HOUSING AUTHORITY

Natural Disaster Home Assistance Fund

All Other \$500,000

Transfers \$500,000 from the Rainy Day Fund to the Natural Disaster Home Assistance Fund of the Maine State Housing Authority to be used in conjunction with \$1,000,000 from the Housing Opportunities for Maine Fund of the Maine State Housing Authority to provide grants and to reduce principal and rates of interest on loans provided by financial institutions to homeowners for losses and damages incurred as a result of the April 1987 flood as provided in the Maine Revised Statutes, Title 30, chapter 239, subchapter II, article 6-A. Any portion of the \$500,000 transferred from the Rainy Day Fund to the Natural Disaster Home Assistance Fund which has not been expended by December 31, 1987, shall be transferred back to the Rainy Day Fund.

DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF

Administration Civil Emergency Preparedness

All Other \$500,000

Provides funds for personal needs assistance for replacement of personal items and household furnishings lost as a result of the April 1987 flood. Funds which have not been expended by December 31, 1987, shall be transferred back to the Rainy Day Fund.

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

Effective May 22, 1987.

CHAPTER 160

H.P. 715 — L.D. 966

AN ACT Relating to Political Committees under the Campaign Financing Laws.

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

Sec. 1. 21-A MRSA §1012, sub-§4 is enacted to read:

4. Exploratory committee. "Exploratory committee" means a committee formed by or on behalf of a person to determine any aspect of the feasibility of that person running as a candidate for state or county office. For the purposes of this chapter, exploratory commit-

tees are considered a form of political committee authorized by the candidate.

Sec. 2. 21-A MRSA §1013, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Authorized political committees. A candidate may authorize one or more political committees to promote the candidate, including an exploratory committee. Each of these political committees must appoint a treasurer before accepting any contributions or making or authorizing any expenditures. Within 7 days after that appointment, the political committee must inform the commission of the name and address of its treasurer, the name or title of the committee making the appointment and the treasurer's term of office. In addition to the registration of its treasurer, a political committee authorized by a candidate shall submit the names and addresses of all of its officers to the commission, whether or not the committee accepts any contributions or makes or authorizes any expenditures.

Sec. 3. 21-A MRSA §1013, sub-§3, as enacted by PL 1985, c. 161, §6, is repealed.

Effective September 29, 1987.

CHAPTER 161

H.P. 776 — L.D. 1048

AN ACT to Protect Landowners from Damage or Destruction of Trees by Hunters Maintaining Ladders or Observation Stands.

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

Sec. 1. 12 MRSA §7406, sub-§16, ¶¶B and C, as enacted by PL 1979, c. 420, §1, are amended to read:

B. Leaves open any gate or bars on another person's land; or

C. Tramples or destroys any crop on another person's land; or

Sec. 2. 12 MRSA §7406, sub-§16, ¶D is enacted to read:

D. Damages or destroys a tree on another person's land by inserting into that tree any metallic or ceramic object to be used as, or as part of, a ladder or observation stand. Any other type of tree ladder or tree observation stand shall also be prohibited unless:

(1) The written consent of the landowner is obtained authorizing the erection of such ladder or stand; or

(2) The ladder or observation stand is removed by the beginning of the 10th day following the close of the hunting season for use during which the ladder or observation stand was erected.

Effective September 29, 1987.

CHAPTER 162

H.P. 341 — L.D. 440

AN ACT Relating to Bail Commissioners.

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

14 MRSA §5541, as amended by PL 1983, c. 688, §8, is repealed and the following enacted in its place:

§5541. Bail commissioners appointed by the court

The District Court Judge resident in each district, with the concurrence of the Chief Judge of the District Court, may appoint one or more residents of the district as bail commissioners. A bail commissioner shall serve at the pleasure of the District Court Judge resident in the district or the Chief Judge of the District Court, but no term for which a bail commissioner is appointed may exceed 5 years. The District Court Judge or the Chief Judge of the District Court may require bail commissioners to complete any necessary training requirements. The unexpired term of any bail commissioner appointed prior to September 14, 1979, shall terminate on December 31, 1987. Bail commissioners shall have the powers of notaries public to administer oaths or affirmations in carrying out their duties.

A person appointed and serving as a bail commissioner is immune from any civil liability for negligent acts described in section 8111, subsection 1, performed within the scope of the bail commissioner's duties.

Effective September 29, 1987.

CHAPTER 163

H.P. 730 — L.D. 982

AN ACT to Regulate Discharges from Vehicular Holding Tanks.

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

38 MRSA §423-A is enacted to read:

§423-A. Discharge of waste from motor vehicles

No person, firm, corporation or other legal entity may

discharge, spill or permit to be discharged sewage, garbage or other pollutants from motor vehicles or motor vehicle trailers into the inland or coastal waters, or on the ice of the inland or coastal waters, or onto the land in such a manner that the sewage, garbage or other pollutants may fall or be washed into these waters, or in such manner that the drainage from the discharge may flow into these waters. A person who violates the provisions of this section commits a civil violation subject to the provisions of section 349, subsection 2.

Effective September 29, 1987.

CHAPTER 164

H.P. 821 — L.D. 1112

AN ACT Relating to the Narcotics Laws.

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

Sec. 1. 17-A MRSA §1103, sub-§3, as amended by PL 1979, c. 127, §128, is further amended to read:

3. A person shall be presumed to be unlawfully trafficking in scheduled drugs if he intentionally or knowingly possesses more than 2 pounds of marijuana or one ounce or more of cocaine.

Sec. 2. 17-A MRSA §1103, sub-§4 is enacted to read:

4. As used in this section, "cocaine" means cocaine or any salt, compound, isomer, derivative or preparation which is chemically equivalent or identical to any of these substances and any active or inactive ingredient used as a diluent.

Sec. 3. 17-A MRSA §1106, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. A person shall be presumed to be unlawfully furnishing a scheduled drug if he intentionally or knowingly possesses more than 1 1/2 ounces of marijuana or 1/2 ounce or more of cocaine.

Sec. 4. 17-A MRSA §1106, sub-§4 is enacted to read:

4. As used in this section, "cocaine" shall have the same meaning as defined in section 1103, subsection 4.

Effective September 29, 1987.

CHAPTER 165

S.P. 402 — L.D. 1242

AN ACT to Modify the Definition of Sexually Explicit Conduct.