

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

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14 MRSA §5541, as amended by PL 1983, c. 688, §8, is repealed and the following enacted in its place: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

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

17 MRSA §2921, sub-§5, ¶E and F, as enacted by PL 1977, c. 628, §1, are amended to read:

E. Lewd exhibition of the genitals, anus or pubic area of a person; or

F. Conduct that creates the appearance of the acts in paragraphs A through D and also exhibits any uncovered or covered portions of the genitals, anus or pubic area.

Effective September 29, 1987.

CHAPTER 166

S.P. 406 — L.D. 1257

AN ACT to Modify Certain Criminal Appeal Laws.

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

Sec. 1. 15 MRSA §2111, as amended by PL 1981, c. 647, §4, is repealed and the following enacted in its place:

§2111. Time to appeal

In any criminal proceeding in the District Court, any defendant aggrieved by a judgment of conviction or order may appeal to the Superior Court in the county where the offense, on which the judgment of conviction or order was rendered, is alleged to have been committed. Venue may be transferred by the Chief Justice of the Superior Court at his discretion. The time for taking the appeal and the manner and any conditions for the taking of the appeal shall be as the Supreme Judicial Court provides by rule.

Sec. 2. 15 MRSA §2112, as amended by PL 1965, c. 356, §60, is repealed.

Sec. 3. 15 MRSA §2115, first ¶, as repealed and replaced by PL 1965, c. 356, §63, is repealed and the following enacted in its place:

In any criminal proceeding in the Superior Court, any defendant aggrieved by a judgment of conviction, ruling or order may appeal to the Supreme Judicial Court, sitting as the Law Court. The time for taking the appeal and the manner and any conditions for the taking of the appeal shall be as the Supreme Judicial Court provides by rule.

Effective September 29, 1987.

CHAPTER 167

S.P. 410 — L.D. 1261

AN ACT Relating to a Court Granting Continuance under the Corrections Law.

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

Sec. 1. 34-A MRSA §3042, sub-§5, as enacted by PL 1983, c. 459, §6, is repealed and the following enacted in its place:

5. Continuance. For good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Sec. 2. 34-A MRSA §3042, sub-§6, ¶A, as enacted by PL 1983, c. 459, §6, is amended to read:

A. The untried indictment, information or complaint is no longer of any force of or effect;

Effective September 29, 1987.

CHAPTER 168

H.P. 1143 — L.D. 1553

AN ACT to Require Insurers to Report Utilization Review Data.

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

Sec. 1. 24 MRSA §2302-A is enacted to read:

§2302-A. Utilization review data

1. Report required. On or before April 1st of each year, every nonprofit hospital or medical service organization which issues or administers a program or contract in this State that contains a provision whereby in nonemergency cases the insured is required to be prospectively evaluated through a prehospital admission certification, preinpatient service eligibility program or any similar preutilization review or screening procedure prior to the delivery of contemplated hospitalization, inpatient or outpatient health care or medical services which are prescribed or ordered by a duly licensed physician shall file a report on the results of that evaluation for the preceding year with the superintendent which shall contain the following:

A. The number and type of evaluations performed.

(1) For the purposes of this section, the term "type of evaluations" means the following preutilization