

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

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Twin City Printery
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1987

PUBLIC LAWS

OF THE

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2-A. Removal of abandoned vehicles from public ways or public parking areas. If an abandoned vehicle is ordered removed from a public way or public parking area by a police officer in the line of duty and brought to the premises of any garage, auto body repair shop, service station or auto dealership for storage and the vehicle remains on the property or premises for 30 days or more:

A. If the identity and location of the owner or holder of a security interest is known, the owner of the premises or property where the vehicle was brought or abandoned may notify the owner of the vehicle or holder of a security interest by registered mail, in accordance with subsection 3, of the place where the vehicle may be reclaimed; or

B. If the identity and location of the owner or holder of a security interest is not known, the owner of the premises or property where the vehicle was brought or abandoned shall publish, at least once in a newspaper of general circulation in the county where the premises or property is located, a notice, in accordance with subsection 3, of the place where the vehicle may be reclaimed.

Sec. 2. 29 MRSA §895-B, sub-§4, as enacted by PL 1981, c. 437, §18, is amended to read:

4. Evidence of compliance. A person who has complied with subsections 2, 2-A and 3 may present evidence of compliance to the Secretary of State.

Effective September 29, 1987.

CHAPTER 173

H.P. 1153 — L.D. 1568

AN ACT Concerning the Taking of Smelts.

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

12 MRSA §6552, as amended by PL 1985, c. 217, is repealed.

Effective September 29, 1987.

CHAPTER 174

H.P. 1142 — L.D. 1552

AN ACT to Prohibit Sale of Foods Processed with Radiation.

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

Sec. 1. 22 MRSA §2152, sub-§5-A is enacted to read:

5-A. Irradiated food. "Irradiated food" means:

A. Any food which has been treated with gamma radiation or other ionizing radiation; or

B. Any food which contains any ingredient that has been treated with gamma radiation or other ionizing radiation.

Spices which have been treated with gamma radiation or other ionizing radiation and are sold as spices are irradiated food, but another food which contains as an ingredient spices which have been so treated shall not be considered irradiated food solely because of the presence of those spices.

Sec. 2. 22 MRSA §2155, sub-§8, as amended by PL 1981, c. 470, Pt. A, §86, is further amended to read:

8. Alteration, etc. of label. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, if the act is done while the article is held for sale and results in the article being misbranded; or

Sec. 3. 22 MRSA §2155, sub-§9 is amended to read:

9. Forging, etc. of label. Forging, counterfeiting, simulating or falsely representing, or without proper authority using any mark, stamp, tag, label or other identification device authorized or required by regulations promulgated under this subchapter; or

Sec. 4. 22 MRSA §2155, sub-§10 is enacted to read:

10. Irradiated food. For any person to knowingly sell irradiated food.

Effective September 29, 1987.

CHAPTER 175

H.P. 506 — L.D. 679

AN ACT to Further Protect Bald Eagles and Other Endangered Species.

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

Whereas, feeding and harassing endangered and threatened species disrupts their natural state and engenders dependency on the party feeding the animals; and

Whereas, there are tour boat operators that have in the past fed bald eagles to enhance viewing from the boats; and

Whereas, it is likely that such activities will increase

at the expense of endangered and threatened wildlife resources; and

Whereas, the summer tourist season runs from approximately Memorial Day to Labor Day; and

Whereas, it is important to have these provisions in effect before the tourist season begins; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 12 MRSA §7001, sub-§13-B is enacted to read:

13-B. Harass. "Harass" means an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns.

Sec. 2. 12 MRSA §7756, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. Misuse of endangered or threatened species. A person is guilty, except as provided in subsection 2, of misuse of an endangered or threatened species if he that person does any of the following:

A. Exports any endangered or threatened species from the State;

B. Hunts, traps or possesses any endangered or threatened species within the State; or

C. Possesses, processes, sells, offers for sale, delivers, carries, transports or ships, by any means whatsoever, any endangered or threatened species; or

D. Deliberately feeds, sets bait for or harasses any endangered or threatened species, except as allowed under subsection 2, paragraph A. A warning shall be issued for the first violation. The 2nd violation shall be punishable as a Class E crime.

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

Effective May 29, 1987.

CHAPTER 176

H.P. 331 — L.D. 430

AN ACT to Provide for a Self-sufficiency Trust of Funds for the Developmentally Disabled.

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

34-B MRSA c. 1, sub-c. II-A is enacted to read:

SUBCHAPTER II-A

FUNDS FOR THE DEVELOPMENTALLY DISABLED

§1231. Self-sufficiency trust fund

1. Trust established. There is created the Self-sufficiency Trust Fund. The State Treasurer, ex officio, shall be custodian of the trust fund and the comptroller shall direct payments from the trust fund upon vouchers properly certified by the Commissioner of Mental Health and Mental Retardation. The treasurer shall credit interest on the trust fund to the trust fund and the commissioner shall allocate that interest pro rata to the respective accounts of the named beneficiaries of the trust fund.

A. For the purposes of this section, the term "self-sufficiency trust" means a trust created by a nonprofit corporation which is a 501-C-3 organization under the United States Internal Revenue Code of 1954 and which was organized under the Nonprofit Corporation Act, Title 13-B, for the purpose of providing for the care or treatment of one or more developmentally disabled persons or persons otherwise eligible for department services.

2. Rules. The department shall adopt these rules and procedures under the Maine Administrative Procedure Act, Title 5, chapter 375, as may be necessary or useful for the administration of the trust fund.

§1232. Administration of fund

1. Naming beneficiaries. The Department of Mental Health and Mental Retardation may accept money from a self-sufficiency trust for deposit in the trust fund pursuant to an agreement with the trust naming one or more beneficiaries who are developmentally disabled persons or persons otherwise eligible for department services residing in this State and specifying the care or treatment to be provided for them. The department shall maintain a separate account in the trust fund for each named beneficiary.

2. Care and support of beneficiaries. The money in these accounts shall be spent by the department, pursuant to its rules, only to provide care and treatment for the named beneficiaries in accordance with the terms of the agreement.

3. Return of money. In the event that the director determines that the money in the account of a named beneficiary cannot be used for the care or treatment of the beneficiary in a manner consistent with the rules of the department and the agreement, or upon request of the self-sufficiency trust, the remaining money in that