

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) An absentee ballot for the applicant which was furnished to a designated 3rd person is not returned to the clerk's office within 5 business days of the date that ballot was sent or delivered to the 3rd person or of the date that 3rd person was notified by the clerk that the ballot was available, or by 10 a.m. on the day before election day, whichever is earlier. If a ballot for an applicant is not returned to the clerk within 5 days of notification, then the clerk shall mail a ballot to that applicant on the 6th day after notification and shall issue no other ballot to the applicant except for good cause as provided in this subsection. This subparagraph shall not be construed to affect the time for delivery of absentee ballots under section 755.

Sec. 16. 21-A MRSA §906, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The Secretary of State shall prepare the ballots for referendum questions according to the following provisions, subject to the authority contained in section 604-A.

Sec. 17. 21-A MRSA §1014, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. **Authorized by candidate.** Whenever any person makes an expenditure to finance communications expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication.

An expenditure which results in a violation of this subsection may result in a penalty of no more than \$100 if the violation is not corrected within 10 days after the candidate receives notification of the violation from the commission. Enforcement and collection procedures shall be in accordance with section 1020.

Sec. 18. 30 MRSA §2063, first ¶, is amended to read:

Upon written application of any candidate for a municipal office within 3 days after the result of a city election or an election under section 2061 has been declared, the clerk shall permit him or his agent to inspect the ballots under proper protective regulations, subject to the requirement in Title 21-A, section 736.

Sec. 19. 30 MRSA §2064, first ¶ is amended to read:

A candidate for any municipal office who has first inspected the ballots according to section 2063 may obtain a recount of the votes cast for that office, subject to the

requirement in Title 21-A, section 737, subsection 3-A.

Effective September 29, 1987.

CHAPTER 189

H.P. 1170 — L.D. 1596

AN ACT to Change the Water Quality Classification of the Carrabassett River and certain of its Tributaries.

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

38 MRSA §467, sub-§4, ¶B, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

B. Carrabassett River Drainage.

(1) Carrabassett River, main stem.

(a) Above a point located 1.0 mile above the railroad bridge in North Anson — Class A.

(b) From a point located 1.0 mile above the railroad bridge in North Anson to its confluence with the Kennebec River — Class C.

(2) Carrabassett River, tributaries.

(a) All tributaries entering the Carrabassett River above its confluence with the West Branch — Class A.

(b) Gilman Stream (New Portland) from the bridge at New Portland to its confluence with the Carrabassett River — Class B.

(c) Harris Brook (New Portland) below Route 16 in Village of North New Portland to its confluence with Gilman Stream — Class A.

(d) Mill Stream (Anson) from the railroad bridge in North Anson Village to its confluence with the Carrabassett River — Class C.

(e) Stanley Stream (Kingfield) — Class A.

(f) West Branch of the Carrabassett River and its tributaries — Class A.

Effective September 29, 1987.

CHAPTER 190

H.P. 1172 — L.D. 1598

**AN ACT Concerning Prizes Awarded by
Charitable Organizations.**

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

Sec. 1. 17 MRSA §330, sub-§5, ¶D, as amended by PL 1981, c. 412, §1, is further amended to read:

D. A holder of a winning chance does not receive something of value worth more than ~~the amount~~ applicable under section 331-A.

Sec. 2. 17 MRSA §331, sub-§2, as amended by PL 1977, c. 350, §2, is repealed.

Sec. 3. 17 MRSA §331, sub-§§6 and 7 are enacted to read:

6. Raffles with prizes under \$10,000. Notwithstanding subsection 1, no license to conduct or operate a raffle as defined in section 330, subsection 5, in which the holder of the winning chance does not receive something of value worth more than \$10,000, is required of the following:

A. Any agricultural society eligible for the state stipend under Title 7, section 62, or any bona fide, non-profit organization which is either charitable, educational, political, civic, recreational, fraternal, patriotic or religious or any auxiliary of such organization;

B. Any volunteer police force, fire department or ambulance corps; or

C. Any class or organization of an elementary, secondary or post-secondary educational institution operated or accredited by the State.

Any exempt organization, department or class or combination listed in paragraph A, B or C may sponsor, operate and conduct a raffle without a license only for the exclusive benefit of that organization, department or class or combination thereof and that raffle shall be conducted only by duly authorized members of the sponsoring organization, department or class or combination thereof.

7. Special exempt raffle license; prizes over \$10,000. The Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000.

Sec. 4. 17 MRSA §331-A is enacted to read:

§331-A. Raffle prize values

1. Special exempt raffle licensees. The holder of a special exempt raffle license issued under section 331, subsection 7, may conduct or operate one raffle per year in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000.

2. Other raffles. All other persons, either licensed under this chapter to conduct or operate a raffle or exempt under section 331, subsection 6, may conduct or operate raffles in which the holder of a winning chance receives something of value worth no more than \$10,000.

Effective September 29, 1987.

CHAPTER 191

H.P. 1174 — L.D. 1600

AN ACT Concerning Smoking in Restaurants.

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

22 MRSA §1579-A is enacted to read:

§1579-A. Smoking in restaurants

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Restaurant" means any enclosed indoor restaurant or other enclosed indoor establishment which invites the public to be served food for consumption on the premises.

B. "Smoking" means carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off tobacco smoke.

2. Restaurants. Smoking in restaurants shall be governed by the following policies.

A. Restaurants shall provide for their patrons a no smoking area reasonably calculated to address the needs of the nonsmoking public.

B. Restaurants shall display prominently, at or near the entrance, a sign indicating its policy on seating smokers and nonsmokers and shall encourage patrons to make their seating requests known. A sign need not be displayed if a host or hostess seats patrons and indicates verbally at the time of seating the restaurant's policy.

3. Violations. Failure to post a sign or announce a policy, or to establish, post or be responsible for implementation of a policy, is a civil violation for which a forfeiture of not more than \$100 may be adjudged.