

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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PUBLIC LAWS

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edge of the patient's recent medical condition, in accordance with department regulations and other laws detailing who can certify and in what time frame, except when an inquiry as to the cause of death is required by law the death falls under the jurisdiction of the medical examiner as provided in section 3025. If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician in charge of the patient's care had not examined the patient within 48 hours prior to death, the physician in charge or another physician designated by the physician in charge shall examine the body prior to completing the certification of death process. Any physician who fails to complete the medical certification of the cause of death fully, and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section shall be reported to the Board of Registration in Medicine or the Board of Osteopathic Examination and Registration, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

Sec. 3. 22 MRSA §3025, sub-§4, as enacted by PL 1985, c. 611, §6, is amended to read:

4. Questionable cases and cases which may constitute exceptions. All questionable cases shall be reported. Acceptance of any questionable case is to be determined by the Chief Medical Examiner unless acceptance is specifically ordered by the Attorney General or district attorney having jurisdiction.

Deaths due to the consequences of long-term alcohol use, long-term exposure to environmental or occupational toxins or long-term exposure to carcinogens shall be reported, but need not be accepted.

Sudden natural deaths in the elderly who have not had previous specific symptoms or who were not under treatment by a physician for the specific natural cause that is considered to be the cause of death shall be reported to the Office of the Chief Medical Examiner. Those cases may be referred back to the attending physician by the Chief Medical Examiner for certification of the death, even though the attending physician has not treated the patient for the specific natural disease that he will enter as his diagnosis as required in section 2842, subsection 2.

Effective September 29, 1987.

CHAPTER 297

S.P. 469 — L.D. 1429

AN ACT to Amend the Maine Juvenile Code to Provide Greater Flexibility in Sentencing Juvenile Offenders.

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

15 MRSA §3314, sub-§1, ¶H, as amended by PL 1985, c. 715, §1, is further amended to read:

H. The court may commit the juvenile to the Maine Youth Center and order that the sentence be suspended except or may commit the juvenile for a period of detention which shall not exceed 30 days, with or without an underlying suspended sentence to the Maine Youth Center, which detention may be served intermittently as the court may order and which shall be ordered served in a county jail designated by the Department of Corrections as a place for the secure detention of juveniles, or in a nonsecure group care home or halfway house. When the detention is ordered served in a county jail, the juvenile may be detained only in that part of the jail which meets the requirements of section 3203-A, subsection 7, paragraph A. The court may order such a sentence to be served as a part of and with a period of probation, which shall be subject to such provisions of Title 17-A, section 1204 as the court may order and which shall be administered pursuant to Title 34, chapter 121, subchapter V-A. Revocation of probation shall be governed by the procedure contained in subsection 2.

Effective September 29, 1987.

CHAPTER 298

S.P. 564 — L.D. 1685

AN ACT to Provide Special Plates or Placards for Handicapped Persons.

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

Sec. 1. 29 MRSA §252, first ¶, as repealed and replaced by PL 1987, c. 56, §1, is repealed and the following enacted in its place:

On annual application to the Secretary of State, any handicapped person or the spouse, parents or legal guardian of a handicapped person who has registered a motor vehicle as the motor vehicle of principal use by the handicapped person shall be issued a set of special designating plates to be used in place of the regular registration plates or placard to be fixed to the sun visor of a motor vehicle registered by such a person. The placard shall be so affixed that the information thereon shall be clearly legible from outside the motor vehicle. The placard issued under this section shall include the motor vehicle registration plate number of the vehicle registered in the name of the handicapped person or the spouse, parents or legal guardian of the handicapped person, the name of the handicapped person and the date of expiration of the placard. The Secretary of State shall establish by regulation a system of color coding for placards issued pursuant to this section for the purpose of facilitating the determination of validity of placards. When the Secretary of State deems it appropriate, a

placard may be issued to any handicapped person who does not have a duly registered motor vehicle. In such cases, the placard may be displayed on any motor vehicle properly registered in this State, but it may only be so displayed during the time when the handicapped person is a passenger in the vehicle, when the driver of the vehicle is transporting the handicapped person or when the driver is waiting for a service to be rendered to the handicapped person. The annual registration fee is as set forth in this subchapter for the type of vehicle assigned the special designating plates or placard. A \$1 fee shall be charged in those cases where a placard is issued to a handicapped person who does not have a duly registered motor vehicle.

On annual application to the Secretary of State, any handicapped person who has registered a motorcycle shall be issued a special designating plate to be used in place of the regular registration plate.

Sec. 2. 29 MRSA §252, next to the last ¶, as amended by PL 1987, c. 56, §2, is further amended to read:

Any person other than a handicapped person or the spouse of a handicapped person issued a set of special designating plates or placard under this section shall be subject to a \$100 fine for use of the special designating plates or placard. The special designating plates or placard shall be suspended if improper use is permitted.

Sec. 3. 29 MRSA §252, last ¶, as amended by PL 1987, c. 56, §3, is repealed and the following enacted in its place:

These special designating plates shall bear the International Handicap Symbol.

Sec. 4. 29 MRSA §252-C, last ¶, as amended by PL 1987, c. 56, §6, is further amended to read:

A person to whom a temporary placard has been issued under this section is entitled to the same rights and privileges as a person to whom a plate or placard is issued under section 252, during the term of that temporary placard.

Sec. 5. 30 MRSA §2151, sub-§2, ¶D, as amended by PL 1979, c. 371, §2, is further amended to read:

D. Providing for the installation, maintenance and policing of parking meters on any public way or public parking area; providing the fact that a vehicle is in a metered parking space when the time signal on the parking meter for such space indicates no parking permitted without the deposit of a coin or coins shall be prima facie evidence that said the vehicle has been parked in said the parking space longer than the lawfully permitted period; providing the fact that a vehicle is unlawfully parked shall be prima facie evidence of the unlawful parking of such vehicle by the person in whose name such vehicle is registered; establishing reasonable charges for metered parking.

(1) The revenue collected from parking meters shall be used to purchase, maintain and police the meters; to construct and maintain public ways; to acquire, construct, maintain and operate public parking areas; and for no other purpose;

(2) Any motor vehicle or motorcycle registered by a handicapped person shall be exempt from any parking meter fare when said vehicle properly displays special designating plates or placard issued in accordance with Title 29, sections 252 and 252-A, and shall be permitted to park a length of time which is not to exceed twice the time limit otherwise applicable;

(3) Unlawful parking of a vehicle in violation of any ordinance authorized by this paragraph shall be a traffic infraction.

Sec. 6. 30 MRSA §2151, sub-§2, ¶K, as amended by PL 1983, c. 337, §2, is further amended to read:

K. Providing for the establishment and policing of parking spaces designated for handicapped persons. A municipality with off-street public parking areas may set aside an adequate number of these spaces for use by handicapped persons. A municipality with on-street public parking spaces may set aside an adequate number of these spaces in appropriate locations for use by handicapped persons. The municipality may post any of the signs authorized by this paragraph adjacent to and visible from each handicapped parking space. One sign shall consist of a profile view of a wheelchair with an occupant in white on a blue background with a printed inscription. The inscription shall read: "Handicapped Parking: Special Plate Required. Unauthorized vehicles are subject to a fine." The other signs authorized under this paragraph and which may be posted in lieu of the first sign shall consist of a profile view of a wheelchair with an occupant in white on a blue background which may bear an inscription. Any new sign erected or any sign replaced after the effective date of this paragraph shall conform to the signs authorized by this paragraph. Any existing posted signs that do not conform to the provisions of this paragraph and which were erected prior to the effective date of this paragraph shall be deemed to be valid for enforcement purposes. Any vehicle or motorcycle parked in a parking space designated by a municipality as a handicapped parking space that does not bear a special registration plate or placard issued under Title 29, section 252, or a similar plate issued by another state, shall be cited for a penalty not to exceed \$25 unless otherwise established by local ordinance. Owners of private off-street parking may enter into agreements with local or county law enforcement agencies for the policing of stalls and spaces dedicated for handicapped persons' vehicles, under which agreements unauthorized vehicles shall be tagged. Where service facilities are established on the Maine Turnpike and on the interstate highway sys-

tem in Maine, the State Police shall enforce this subsection.

Effective September 29, 1987.

CHAPTER 299

S.P. 567 — L.D. 1699

AN ACT to Clarify the Right to Prevent the Attendance of or to Remove a Committed Offender from a Disciplinary Hearing.

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

34-A MRSA §3032, sub-§6, ¶B, as enacted by PL 1983, c. 459, §6, is amended to read:

B. He is entitled to the right to be present at the hearing, except that he may be prevented from attending or be removed if his behavior indicates that he is a danger to himself, other persons or property.

Effective September 29, 1987.

CHAPTER 300

S.P. 568 — L.D. 1700

AN ACT to Grant Jurisdiction to Bail Commissioners to Ensure the Integrity of the Judicial Process.

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

14 MRSA §5547 is enacted to read:

§5547. Orders to ensure the integrity of the judicial process

1. Authority of bail commissioners. A bail commissioner may impose orders regulating the conduct of any person for whom he sets bail under sections 5542 and 5544. These orders must be reasonably effected to ensure the integrity of the judicial process and the proper administration of justice during the pending proceedings related to the offense for which the person was arrested. The order shall be in writing and a copy shall be given to the alleged offender when the order is issued. The commissioner may provide a copy of the order to the law enforcement agencies most likely to enforce it. The order may require the alleged offender:

A. To stay away from the home, school, business or place of employment of:

(1) The victim of the offense;

(2) Other family or household members of the victim or alleged offender; or

(3) Any potential witness regarding the offense;

B. Not to visit, or to visit only at certain times or under certain conditions, a child residing with the victim or any potential witness regarding the offense;

C. Not to do specific acts which the commissioner finds may harass, torment or threaten:

(1) The victim of the offense;

(2) Other family or household members of the victim or alleged offender; or

(3) Any potential witness regarding the offense;

D. To refrain from contacting, threatening, assaulting, molesting, harassing or otherwise disturbing the peace of:

(1) The victim of the offense;

(2) Other family or household members of the victim or alleged offender; or

(3) Any potential witness regarding the offense;

E. To refrain from taking, converting or damaging property in which the victim or other family or household members of the victim or alleged offender or any potential witness regarding the offense may have a legal interest; and

F. To take any action or to avoid taking any action as necessary to protect the integrity of the judicial process or the ability of the court to proceed with the case fairly, expeditiously and justly.

2. Modification or dissolution of orders. Any person against whom an order is issued by a bail commissioner under subsection 1 may file a motion in the court having jurisdiction over the offense for which he was arrested to modify or dissolve the bail commissioner's order. The court shall hear the motion as soon as possible and may modify or dissolve the order as justice requires. The court, at any time, on its own motion may modify or dissolve the order as justice requires. In any event, any order issued by a bail commissioner under subsection 1 is void when the alleged offender is convicted and sentenced, acquitted or the charges against him are dismissed.

3. Enforcement of orders. Any violation of an order issued by a bail commissioner under subsection 1, when the alleged offender has prior actual notice of the order, is a Class E crime. Notwithstanding any other law, an arrest for such a violation may be without warrant upon probable cause whether or not the violation is com-