

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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3-B. Member. "Member" means a bona fide member of a firm, corporation, association, organization, department, class or combination thereof, who has been duly admitted as a member according to the laws, rules, regulations, ordinances or bylaws governing membership in the firm, corporation, association, organization, department, class or combination thereof.

Sec. 2. 17 MRSA §332, sub-§4, ¶B, as amended by PL 1981, c. 593, §2, is repealed and the following enacted in its place:

B. No other licensee may operate a game of chance on premises to which the general public has access. In any room where a licensed game of chance is being conducted, there shall be at least one member of the licensee present in that room for every 2 nonmembers who are present. That member shall have been a member of the licensee for at least one year. No member of the licensee, either directly or through another member or guest, may stake or risk something of value in the licensee's game of chance unless the member has been a member, as defined in section 330, subsection 3-B, of the licensee for at least 14 days not including the day of admission into membership.

A bona fide nonprofit organization may operate a licensed game of chance, to which the general public has access, once every 6 months for a period not to exceed 3 consecutive days. The licensed game of chance may be operated at any location described in the license and shall be conducted only by members of the licensee.

Effective September 29, 1987.

CHAPTER 315

S.P. 530 — L.D. 1582

AN ACT to Clarify the Powers of Arrest of a Probation and Parole Officer.

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

Sec. 1. 17-A MRSA §1205, sub-§1, as repealed and replaced by PL 1977, c. 510, §71, is amended to read:

1. If a probation officer has probable cause to believe that a person under his the supervision of the Division of Probation and Parole has violated a condition of his probation, he may arrest such person or he may deliver a summons to such person ordering him to appear for a court hearing on the alleged violation. If the probation officer cannot, with due diligence, locate the person in order to arrest him or serve a summons on him, he shall file a written notice of this fact with the court which placed the person on probation.

Sec. 2. 34-A MRSA §5404, sub-§2, as enacted by PL

1983, c. 459, §6, is amended to read:

2. Arrest. Arrest in the following circumstances:

A. Arrest and return probation and parole violators upon request of the chief administrative officer of a correctional facility; ~~and~~

B. Arrest and return to a correctional facility persons released from the correctional facility under section 3035; and

C. If the officer has probable cause to believe that a person under the supervision of the Division of Probation and Parole has violated a condition of his probation or parole, he may arrest that person.

Effective September 29, 1987.

CHAPTER 316

S.P. 580 — L.D. 1723

AN ACT to Amend the Laws Relating to Community Living Arrangements.

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

Sec. 1. 30 MRSA §4962-A, sub-§1, as enacted by PL 1981, c. 640, is repealed and the following enacted in its place:

1. Legislative intent. It is the intent of the Legislature that persons seeking to establish a community living facility in a single-family residential zone shall not be prohibited on the basis of the disability served. It is also the intent of the Legislature that community living facilities for mentally handicapped and developmentally disabled persons shall not be prohibited from single-family residential zones in a municipality. Municipal ordinances or actions which have the effect of preventing or prohibiting these community living facilities from single-family residential zones, particularly by establishing criteria for single-family residential zones in excess of the criteria in subsections 3 and 4, are a violation of legislative intent.

Sec. 2. 30 MRSA §4962-A, sub-§1-A is enacted to read:

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

A. "Board of appeals" means the board of appeals or any other board established by a municipality with the authority to hear appeals related to enforcement of the zoning ordinances.