

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

AN ACT Relating to Games of Chance.

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

Whereas, under current law, Lucky seven games of chance may be played prior to any "Beano" game for only a one hour period; and

Whereas, many small organizations which conduct games of chance for purposes of charitable fund raising permit Lucky seven games to be played during and following "Beano" games inadvertently in violation of the law; and

Whereas, this Act is necessary to allow the continued conduct of Lucky seven games to further the charitable purposes of these organizations; 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. 17 MRSA §314-A, sub-§7, as amended by PL 1987, c. 547, §2, is further amended to read:

7. Payment for services. Except as provided in paragraph A, an organization licensed under this section may pay the persons operating the high-stakes beano games for the organization no more than 200% of the minimum wage as established by Title 26, chapter 7, subchapter III. The persons need not be members of an organization licensed under this section.

A. An organization licensed under this section may contract for provision of professional legal, advertising, accounting and auditing services. The persons employed under a contract entered into under this paragraph may receive reasonable professional fees at a rate higher than minimum wage.

Sec. 2. 17 MRSA §324, sub-§3, as enacted by PL 1975, c. 307, §2, is amended to read:

3. Lucky seven. Lucky seven or similar sealed tickets may be sold when said that game of chance is licensed by the Chief of the State Police and when a valid license certificate is properly displayed. Notwithstanding this section and section 312, Lucky seven games may be conducted during the period of 2 hours before and 2 hours after any "Beano" game and also may be conducted during the intermission of any "Beano" game.

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

Effective April 6, 1988.

CHAPTER 680

H.P. 1846 — L.D. 2528

AN ACT Relating to Exceptions to Prevent Escapes and Other Offenses under the Interception of Wire and Oral Communications Law.

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

Sec. 1. 15 MRSA §709, sub-§§1-A and 4-A are enacted to read:

1-A. Administration of criminal justice. "Administration of criminal justice" has the same meaning as in Title 16, section 611, subsection 1.

4-A. Investigative officer. "Investigative officer" means a corrections officer employed by the Department of Corrections and designated by the Commissioner of Corrections as having the authority to conduct investigations of offenses relating to the security or orderly management of a correctional facility administered by the department.

Sec. 2. 15 MRSA §710, sub-§1, as repealed and replaced by PL 1979, c. 663, §95, is amended to read:

1. Interception, oral communications prohibited. Any person, other than an employee of a common carrier as defined in this chapter or, a law enforcement officer or an investigative officer as defined in this chapter, carrying out practices otherwise permitted by this chapter, who intentionally or knowingly intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept, any wire or oral communication is guilty of a Class C crime.

Sec. 3. 15 MRSA §710, sub-§5, as amended by PL 1979, c. 663, §99, is further amended to read:

5. Possession of interception devices prohibited. A person, other than an employee of a common carrier as defined in this chapter or, a law enforcement officer or an investigative officer as defined in this chapter, carrying out practices otherwise permitted by this chapter, who has in his possession any device, contrivance, machine or apparatus designed or commonly used for intercepting wire or oral communications defined in this chapter, is guilty of a Class C crime.

Sec. 4. 15 MRSA §710, sub-§6, as repealed and replaced by PL 1979, c. 663, §100, is amended to read:

6. Sale of interception devices prohibited. A person who sells, exchanges, delivers, barters, gives or furnishes or possesses with an intent to sell any device, contrivance, machine or apparatus designed or commonly used for the interception of wire or oral communications

as defined in this chapter is guilty of a Class B crime. This subsection shall not include devices manufactured under written contract for sale to common carriers and, law enforcement agencies and the Department of Corrections, provided that the production of any such device shall not have commenced prior to the signing of the contract by both parties.

Sec. 5. 15 MRSA §712, as amended by PL 1979, c. 701, §12, is repealed and the following enacted in its place:

§712. Exceptions

1. Switchboard operators, communication common carrier agent. It is not a violation of this chapter for an operator of a switchboard or an officer, employee or agent of any communication common carrier, as defined in this chapter, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is a necessary incident to the rendition of service or to the protection of the rights or property of the carrier of the communication, provided that the communication common carriers shall not utilize service for observing or random monitoring, except for mechanical or service quality control checks, nor shall any such officer, employee or agent use or disclose to another the contents as defined in this chapter of the communication so intercepted.

2. Investigative officers. It is not a violation of this chapter for an investigative officer, as defined in this chapter, to intercept, disclose or use that communication in the normal course of employment while engaged in any activity which is a necessary incident to the administration of criminal justice, if:

A. Either the sender or receiver of that communication is a person committed to the custody of the Department of Corrections under a term of imprisonment which is being served in a correctional facility administered by the department;

B. Notice of the possibility of interception is posted in a place and in a way sufficient to make that person aware of the possibility of interception; and

C. Probable cause exists that a criminal offense related to the security of a correctional facility administered by the department has been, is in the process of being or is about to be committed by a party to the conversation.

(1) Prior to the interception, the grounds for that probable cause shall be documented in a sworn affidavit which shall be submitted to a Judge of the District Court or Justice of the Superior Court to determine if that probable cause exists.

(2) Prior authorization for the submission to the Judge or Justice must be given by the Commissioner of Corrections and the Attorney General.

This subsection shall not authorize any interference with the attorney-client privilege.

Effective August 4, 1988.

CHAPTER 681

H.P. 1900 — L.D. 2596

AN ACT to Enhance the Voting Rights of Minority Shareholders.

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

Whereas, the protection of shareholders of domestic corporations against coercion and unfair business dealings is vital to the State's interest; and

Whereas, regulation of the corporate governance of domestic corporations is an essential means to the protection and advancement of such vital state interests; and

Whereas, certain take-overs of publicly held corporations, including those financed largely through debt to be repaid by the sale of substantial assets of the acquired corporation or by the consummation of self-interested transactions with the acquiror on terms established by the acquiror, present a grave threat to the interests of shareholders of publicly held corporations; and

Whereas, in the context of publicly held Maine corporations, the current statutory and common law protections of shareholders of Maine corporations from such transactions involving or initiated by interested shareholders are inadequate to protect shareholders of Maine corporations; and

Whereas, the adoption of more rigorous shareholder voting requirements for certain fundamental corporate transactions involving or initiated by interested shareholders will further protect shareholders of publicly held Maine corporations; 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:

13-A MRSA §611-A is enacted to read:

§611-A. Required vote of shareholders in certain business combinations

1. Notwithstanding anything to the contrary in this Act, except subsection 2, no domestic corporation may