

# 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.

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Twin City Printery  
Lewiston, Maine  
1988

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**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

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A. Nothing contained in this Title may be construed as permitting a financial institution to establish a branch office or facility in any state other than this State and no financial institution not authorized to do business in this State may establish or operate a branch office or facility in this State.

B. The operation of such a branch office or facility by such a financial institution or institutions is expressly prohibited by this section.

2. Satellite facilities. Satellite facilities operated by financial institutions not authorized to do business in this State are prohibited according to this subsection.

A. The direct or indirect operation or ownership of a satellite facility by an institution not authorized to do business in this State is expressly prohibited.

B. This prohibition does not apply to the electronic connection or networking of electronic terminals, automated teller machines or other similar devices owned or operated by a financial institution authorized to do business in this State with similar electronic systems owned or operated by financial institutions not authorized to do business in this State and located outside of this State.

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

Effective April 7, 1988.

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## CHAPTER 693

H.P. 1824 — L.D. 2499

### AN ACT to Add the Commissioner of Labor as an Ex Officio Member of the Board of Trustees of the Vocational-Technical Institute System.

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

20-A MRSA §12705, sub-§1, as amended by PL 1987, c. 534, Pt. B, §§12 and 23, is further amended to read:

1. **Membership.** The board of trustees shall consist of 9 appointed voting members and 2 3 ex officio, voting members as follows:

- A. One from the State Board of Education;
- B. One from the Board of Trustees of the University of Maine System;
- C. Seven from the field of business and industry, the field of labor, the field of education and the general public;
- D. The Commissioner of Educational and Cultural

Services, or ~~his~~ the commissioner's successor, who shall serve ex officio; ~~and~~

E. The Commissioner of Economic and Community Development, or ~~his~~ the commissioner's successor, who shall serve ex officio; and

F. The Commissioner of Labor, or the commissioner's successor, who shall serve ex officio.

Effective August 4, 1988.

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## CHAPTER 694

H.P. 1458 — L.D. 1969

### AN ACT to Make Changes in Marine Resources Laws.

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

Sec. 1. 12 MRSA §6024, sub-§1, as amended by PL 1985, c. 481, Pt. A, §35, is further amended to read:

1. **Appointment; composition; term; compensation.** The advisory council, established by Title 5, section 12004, subsection 10, shall consist of 9 members. One member shall be the chairman of the Lobster Advisory Council, ex officio. Each other member shall be appointed by the Governor and shall be subject to review by the joint standing committee of the Legislature having jurisdiction over marine resources and to confirmation by the Legislature. Eight Seven of the appointed members shall be selected from persons directly engaged in commercial activities or industries based on marine resources, and one of the appointed members shall be selected from persons who represent recreational fishing interests. The composition of the council shall adequately represent the commercial fisheries' activities over which the department has jurisdiction and shall also reflect a geographical distribution along the coast. All appointed members shall be appointed for a term of 3 years, except a vacancy shall be filled in the same manner as an original for the unexpired portion of the term. No member may serve more than 2 consecutive terms at any one time. Members shall serve until their successors are appointed. Members shall be compensated as provided in Title 5, chapter 379.

Sec. 2. 12 MRSA §6141, sub-§5, as enacted by PL 1985, c. 677, §1, is amended to read:

5. **Report.** The commissioner shall prepare an annual report to the Legislature setting out the accomplishments of the previous year and an updated, 5-year research plan for future activities with proposed budget requirements. The report shall be reviewed by the Lobster Advisory Council prior to submission to the Legislature. The report shall be submitted to the joint

standing committee of the Legislature having jurisdiction over marine resources on or before ~~January 1st~~ March 15th of each year.

Sec. 3. 12 MRSA §6741, sub-§4, as enacted by PL 1985, c. 586, is amended to read:

4. Quahogs raised by means of aquaculture. Any person may take, possess, ship, transport, buy or sell quahogs that are more than 1/2 inch and less than 2 inches if those quahogs were raised by means of aquaculture. The commission may promulgate rules providing for the identification of quahogs raised by means of aquaculture. ~~This subsection is repealed on September 1, 1988.~~

Sec. 4. 12 MRSA §6746, sub-§2, as enacted by PL 1987, c. 328, §3, is amended to read:

2. Licensed activity. A boat license under this section may be used for dragging for mussels. The license shall also authorize the captain and ~~up to 2~~ crew members aboard the licensed boat when engaged in dragging for mussels to undertake these activities.

Sec. 5. Transition. In order to accomplish the purpose of section 1 of this Act, the first vacancy in the advisory council occurring after the effective date of this Act of a member engaged in commercial or industrial activities shall be filled by the chairman of the Lobster Advisory Council.

Effective August 4, 1988

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## CHAPTER 695

H.P. 1579 — L.D. 2157

### AN ACT to Amend the Harassment Law.

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

Sec. 1. 5 MRSA §4651, sub-§2, as enacted by PL 1987, c. 515, §1, is amended to read:

2. Harassment. "Harassment" means any repeated act of intimidation, harassment, physical force or threat of physical force ~~whether or not performed under color of law,~~ directed against any person, family or their property or advocate with the intention of causing fear or intimidation or to deter free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine and the United States Constitution. This definition does not include any act protected by the constitutional guarantee of free speech.

Sec. 2. 5 MRSA §4659, sub-§2, as enacted by PL 1987, c. 515, §1, is repealed and the following enacted in its place:

2. Warrantless arrest. Notwithstanding any statutory provision to the contrary, an arrest for criminal violation of an order or consent agreement may be made without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.

Sec. 3. 5 MRSA §4660, as enacted by PL 1987, c. 515, §1, is repealed.

Sec. 4. 5 MRSA §4660-A is enacted to read:

#### §4660-A. Law enforcement agency responsibilities

1. Reports. Each law enforcement agency shall report all incidents of harassment as required by the State Bureau of Identification under Title 25, section 1544.

2. Agency procedures. Law enforcement agencies shall establish procedures to ensure that dispatchers and officers at the scene of an alleged incident of harassment or violation of an order of protection can be informed of any recorded prior incident of harassment involving the harassed party and can verify the effective dates and terms of any recorded protection order.

3. Officer training. Law enforcement agencies shall provide officers employed by them with an education and training program designed to inform the officers of the problems of harassment, procedures to deal with these problems and the provisions of this chapter. The amount and degree of officer training, beyond the distribution of information, shall be determined by each local law enforcement agency.

4. Officer responsibilities. Whenever a law enforcement officer has reason to believe that a person has been a victim of harassment, the officer shall immediately use all reasonable means to prevent further harassment, including:

A. Remaining on the scene as long as he reasonably believes there is a danger to the physical safety of that person without the presence of a law enforcement officer;

B. Assisting that person in obtaining medical treatment necessitated by an assault;

C. Giving that person written notice of his rights, which shall include information summarizing the procedures and relief available to victims of harassment; or

D. Arresting the harassing party with or without a warrant pursuant to section 4659, subsection 2.

Sec. 5. 17 MRSA §2931, as enacted by PL 1987, c. 515, §2, is amended to read: