

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Sec. 17. 5 MRSA §18404, sub-§6 is enacted to read:

6. Monthly payment of \$10 or less. If the monthly benefit payable to a qualifying member or the beneficiary of a qualifying member is \$10 or less, there shall be paid, in lieu of those payments, a lump sum which is the actuarial equivalent, on the date the first monthly payment would otherwise be paid, of the benefit to which the qualifying member or beneficiary is entitled. A beneficiary who receives a lump sum payment under this subsection shall not forfeit any other benefit to which the beneficiary would be entitled if the beneficiary were receiving a monthly benefit payment.

See title page for effective date.

CHAPTER 96

H.P. 420 - L.D. 585

An Act to Change the Dates for Burial Eligibility at the Maine Veterans' Memorial Cemetery

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

Whereas, passage of this bill would provide valuable support to efforts of the American Legion to have the Federal Government pass similar legislation; and

Whereas, the annual national convention of the American Legion is in June; and

Whereas, unless this bill is enacted on an emergency basis it will not take effect prior to this convention; 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:

37-B MRSA §504, sub-§4, ¶A-1, as enacted by PL 1985, c. 117, §2, is amended to read:

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

(1) "Eligible dependent" means the wife, husband, surviving spouse, unmarried minor child or unmarried adult child who became incapable of self-support before reaching 18 years of age on account of mental or physical defects.

(2) "Eligible veteran" means any person who:

(a) Served on active duty in the United States Armed Forces during any federally recognized period of conflict, served on active duty in the United States Armed Forces at any time during the period December 22, 1961 to August 5, 1964 or was eligible for an Armed Forces Expeditionary Medal or campaign medal, and who:

(i) If discharged, received an honorable discharge or a general discharge under honorable conditions, provided that the discharge was not upgraded through a program of general amnesty; and

(ii) Was a resident of the State at the time of entering military service, his death or the death of an eligible dependent;

(b) Served in the Maine National Guard and died as a result of injury, disease or illness sustained while serving on state active duty as provided in chapter 3, subchapter III; or

(c) Served in the Armed Forces in the United States at any time and was killed or died as a result of hostile action and was a resident of the State at the time of entering military service, at the time of his death or at the time of the death of an eligible dependent.

(3) "Federally recognized period of conflict" means World War I, April 6, 1917 to November 11, 1918, March 31, 1920, if service was in Russia; World War II, December 7, 1941 to December 31, 1946; Korean Conflict, June 27, 1950 to January 31, 1955; and the Viet Nam War, August 5, 1964 to May 7, 1975.

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

Effective May 3, 1989.

CHAPTER 97

H.P. 360 - L.D. 491

An Act to Amend the Litter Laws

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

Sec. 1. 17 MRSA §2264, last ¶, as amended by PL 1981, c. 36, is repealed.

Sec. 2. 17 MRSA §2264, sub-§3 is enacted to read:

3. Penalties. Any person who violates this section commits a civil violation for which a forfeiture not less than \$25 and not to exceed \$200 may be adjudged for the first violation and a forfeiture not less than \$100 and not to exceed \$500 may be adjudged for any subsequent violation. In addition to or instead of a forfeiture, the court may order any person adjudicated to have violated this section to:

A. Pick up and remove from any place any or all litter deposited there by anyone prior to the adjudication;
or

B. Pay the owner of the property treble the owner's cost of cleaning up or removing the litter.

See title page for effective date.

CHAPTER 98

H.P. 440 - L.D. 605

An Act Relating to the Division of Southern York of the 10th Maine District Court

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

Sec. 1. 4 MRSA §153, sub-§29 is amended to read:

29. Eastern York. Eastern York consists of the municipalities of Hollis, Kennebunk, Lyman, ~~Wells~~ and all municipalities in York County lying to the east of these. The District Court for Eastern York shall be held at Biddeford or Saco, exact site to be determined by the Chief Judge with the approval of the Chief Justice of the Supreme Judicial Court.

Sec. 2. 4 MRSA §153, sub-§30, as amended by PL 1987, c. 133, §1, is further amended to read:

30. Southern York. Southern York consists of the municipalities of Eliot, Kittery, Ogunquit, South Berwick, Wells and York. ~~Until February 1, 1989, the District Court for Southern York shall be held at Eliot, Kittery, Ogunquit, South Berwick or York, the exact site to be determined by the Chief Judge. Beginning February 1, 1989, the~~ The District Court for Southern York shall be held at York.

Sec. 3. 4 MRSA §154, sub-§10, as amended by PL 1987, c. 133, §2, is further amended to read:

10. Tenth District. The 10th district consists of the divisions of Eastern York (Biddeford or Saco) as above

determined, Western York (Sanford) and Southern York (Eliot, Kittery, Ogunquit, South Berwick or York) as above determined.

See title page for effective date.

CHAPTER 99

H.P. 373 - L.D. 504

An Act Relating to Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination

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

5 MRSA §4613, sub-§2, ¶B, as amended by PL 1987, c. 38, is further amended to read:

B. If the court finds that unlawful discrimination occurred, its judgment shall specify an appropriate remedy or remedies therefor. ~~Such~~ The remedies may include, but are not limited to:

- (1) An order to cease and desist from the unlawful practices specified in the order;
- (2) An order to employ or reinstate a victim of unlawful employment discrimination, with or without back pay;
- (3) An order to accept or reinstate such a person in a union;
- (4) An order to rent or sell a specified housing accommodation, or one substantially identical thereto if controlled by the respondent, to a victim of unlawful housing discrimination;
- (5) An order requiring the disclosure of the locations and descriptions of all housing accommodations which the violator has the right to sell, rent, lease or manage; and further, forbidding the sale, rental or lease of any such housing accommodations until the violator has given security to assure ~~his~~ his compliance with any order entered against ~~him~~ the violator and with all provisions of this Act. Such an order may continue the court's jurisdiction until the violator has demonstrated compliance, and may defer decision on some or all relief until after a probationary period and a further hearing on the violator's conduct during ~~such~~ that period;
- (6) An order to pay in cases of unlawful price discrimination the victim thereof 3 times the amount of any excessive price demanded and paid by reason of such unlawful discrimination; and