

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

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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Sec. 1. 17 MRSA §2264, last ¶, as amended by PL 1981, c. 36, is repealed.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

(7) An order to pay to the complainant, including the commission when the commission is the complainant, civil penal damages not in excess of ~~\$1,000~~ \$5,000 in the case of the first order under this Act against the respondent, not in excess of ~~\$2,000~~ \$7,500 in the case of a 2nd such order against the respondent, and not in excess of ~~\$3,000~~ \$10,000 in the case of a 3rd or subsequent such order against the respondent; and

See title page for effective date.

CHAPTER 100

H.P. 429 - L.D. 594

An Act Concerning Antique Automobiles and Horseless Carriages

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

29 MRSA §114, 2nd ¶, as amended by PL 1987, c. 789, §5, is further amended to read:

The Secretary of State is authorized to design and issue registration plates for antique autos, horseless carriages and street rods. These plates shall bear the inscriptions "Antique Auto," "Horseless Carriage" or "Street Rod" and "Maine." Present owners of antique motor vehicles shall be permitted to keep their existing registration plate numbers for the new registration plates issued under this section. The Secretary of State shall allow the owner of an antique motor vehicle to use registration plates which were issued in the same year as the antique motor vehicle was manufactured, provided that the ~~date of manufacture was 1942 or earlier~~ motor vehicle is over 25 years old and the motor vehicle is registered as an antique motor vehicle under this section. Any antique motor vehicle bearing registration plates with the year of manufacture must also carry, within it, a valid antique motor vehicle registration certificate and the antique motor vehicle registration plates matching the certificate. The registration plates ~~from 1942 or earlier~~ must have matching plate numbers, must be affixed to both the front and rear of the antique motor vehicle and must conspicuously bear the year of manufacture. For purposes of this Title, "antique motor vehicle" means only an antique auto or horseless carriage. The fee for registration of an antique auto or horseless carriage shall be \$12. The fee for registration of a street rod shall be \$27.

See title page for effective date.

CHAPTER 101

H.P. 384 - L.D. 515

An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities

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

35-A MRSA §3504, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

§3504. Treatment of certain small consumer-owned electric utilities

1. Exemption. Upon request of a consumer-owned electric utility of not more than 150 customers, the commission may exempt the utility from any of the requirements of any commission rules and this Title, with the exception of sections 3502 and 3503.

2. Rulemaking considerations. The commission shall take into account the form of governance of consumer-owned electric utilities when promulgating rules and shall state in any notice of proposed rulemaking relating to those utilities what consideration has been given to the ability of those utilities to regulate matters covered under their own authority and, in promulgating those rules, shall not impose unreasonable requirements on consumer-owned electric utilities.

See title page for effective date.

CHAPTER 102

H.P. 541 - L.D. 738

An Act to Clarify the Relationship Between Woodcutters and Landowners

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

Whereas, changes in the wood measurement tally sheet should be instituted before the summer logging season; 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:

10 MRSA §2364-A, sub-§2, ¶F is enacted to read:

F. In the sale of wood, the measurement tally sheet recording the first measurement shall include the name of the landowner from whom the stumpage was purchased. The tally sheet also shall include the name or names of other parties involved in this original transaction.