

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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**§654. Detour roads and signs**

Before a state or state-aid highway is closed due to construction, the department shall establish a practical detour route and properly sign the route at all intersections. The detour route shall be maintained in a condition adequate to serve traffic until the state or state-aid highway under construction is opened to traffic. Upon completion of the construction project all detour signs shall be removed.

**Sec. 2. 23 MRSA §1152** is repealed.

**Sec. 3. 29 MRSA §1255, first ¶**, as amended by PL 1971, c. 593, §22, is further amended to read:

Notwithstanding section 1251 and section 1252, subsection 2, the Department of Transportation shall have authority to restrict the speed of all motor vehicles at any and all points on a highway under construction or during maintenance where in the opinion of the department a rate of speed less than that now authorized by law will minimize the danger of accident and in each such place shall fix the rate of speed in accordance with its own judgment.

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

Effective May 5, 1989.

**CHAPTER 109**

**H.P. 432 - L.D. 597**

**An Act Relating to the Dig-safe Law**

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

**Whereas**, changes concerning exceptions to the dig-safe laws need to be made before the summer maintenance season begins; 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:**

**23 MRSA §3360-A, sub-§9, ¶A**, as enacted by PL 1979, c. 362, §2, is amended to read:

A. Nothing in this section ~~shall apply~~ applies to the Department of Transportation, a public utility, a municipal public works or sewer department or a sanitary or sewer district, if written or verbal notice of the approximate location and time of that excavation is given by that ~~utility, department or district~~ person to

~~the owner or a designated representative of those other utilities, districts, municipal sewer or public works departments~~ the owner of any underground facilities in the area of the proposed excavation prior to any excavation taking place.

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

Effective May 5, 1989.

**CHAPTER 110**

**H.P. 357 - L.D. 477**

**An Act to Publicize the Identities of Environmental Law Violators**

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

**38 MRSA §349, sub-§7** is enacted to read:

**7. Notification.** The department shall notify all newspapers of general circulation in the State of all administrative consent agreements, court-ordered consent decrees and adjudicated violations involving laws administered by the department.

See title page for effective date.

**CHAPTER 111**

**H.P. 177 - L.D. 242**

**An Act to Return Certain Positions within the Department of Environmental Protection to Classified Service under the Civil Service Law**

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

**5 MRSA §938, sub-§1, ¶¶H to M**, as enacted by PL 1987, c. 816, Pt. KK, §9, are repealed.

See title page for effective date.

**CHAPTER 112**

**H.P. 570 - L.D. 774**

**An Act to Provide Motor Vehicle Registration Plates to Surviving Spouses of Prisoners of War**

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

**Whereas,** the Legislature desires to extend recognition to the surviving spouses of prisoners of war; and

**Whereas,** under present law the surviving spouse must return any special plates upon the death of a former prisoner of war, while under this legislation the surviving spouse may keep those plates or regain them if they have already been returned; and

**Whereas,** the Legislature desires to place this new system into place as soon as possible in order that no more bereaved spouses be required to go through the indignity of returning the special plates; 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. 29 MRSA §252-E, first ¶,** as enacted by PL 1985, c. 737, Pt. A, §80, is amended to read:

The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was a prisoner of war at any time during his tenure of service, or the surviving spouse of that person, when that application is accompanied by a copy of the appropriate military form certifying that the person is a former prisoner of war. This special license plate is issued specifically to former prisoners of war and their spouses and the privilege of using the special plate is not transferable only to the former prisoner's spouse. Upon the death of the former prisoner of war, the surviving spouse may retain and display the special license plate. Upon remarriage, the surviving spouse may not use the special license plate on a motor vehicle, but may retain it as a keepsake. Upon the death of the surviving spouse, the family may retain the special license plate, but not use it on a motor vehicle.

**Sec. 2. Notification to surviving spouse.** The Division of Motor Vehicles shall notify the surviving spouse of any former prisoner of war who previously held special registration plates that the surviving spouse may obtain special registration plates in accordance with the Maine Revised Statutes, Title 29, section 252-E.

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

Effective May 9, 1989.

## CHAPTER 113

S.P. 223 - L.D. 539

### An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions

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

**Whereas,** the Department of Corrections needs to implement these changes immediately; 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. 15 MRSA §3003, sub-§17,** as enacted by PL 1977, c. 520, §1, is amended to read:

**17. Law enforcement officer.** "Law enforcement officer" means any person who by virtue of his public employment is vested by law with a duty to maintain public order, to prosecute offenders, to make arrests for crimes ~~or, whether that duty extends to all crimes or is limited to specific crimes,~~ to perform probation functions, ~~whether that duty extends to all crimes or is limited to specific crimes~~ or to perform intensive supervision functions.

**Sec. 2. 17-A MRSA §2, sub-§17,** as enacted by PL 1975, c. 499, §1, is amended to read:

**17. "Law enforcement officer"** means any person who by virtue of his public employment is vested by law with a duty to maintain public order, to prosecute offenders, ~~or~~ to make arrests for crimes; whether that duty extends to all crimes or is limited to specific crimes, to perform probation functions or to perform intensive supervision functions.

**Sec. 3. 17-A MRSA §1253, sub-§3,** as amended by PL 1985, c. 821, §12, is repealed and the following enacted in its place:

**3. Beginning October 1, 1983, a person sentenced to imprisonment for more than 6 months shall be entitled to receive a deduction of 10 days each month for observing all rules of the department and institution. The period from which the deduction is made shall be calculated from the first day the person is delivered into the custody of the department and includes the full length of the unsuspended portion of the sentence. This provision does not apply to the suspended portion of the person's sentence, pursuant to section 1203 nor does it apply to the suspended portion or to the period of intensive supervision of a sentence under section 1262.**