

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

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.

Sec. 4. 17-A MRSA §1262, sub-§5, as enacted by PL 1985, c. 821, §15, is amended to read:

5. If, at the time the defendant is scheduled to be released to the Intensive Supervision Program, the ratio of prisoners to Intensive Supervision Program officers would exceed 25 to 2, the Department of Corrections shall petition the court to relieve it of its obligation to place the defendant in the Intensive Supervision Program until it can place the defendant in that program without exceeding the ratio of 25 to 2. If the court is satisfied that the ratio of 25 to 2 would be exceeded, it shall grant the motion relieving the department of that obligation. The department must place the defendant in the Intensive Supervision Program as soon as the ratio of 25 to 2 would not be exceeded and ~~such~~ the placement shall occur ~~notwithstanding the fact that even if the defendant may would not then be serving a full year on intensive supervision~~ serve the full term of intensive supervision ordered by the court.

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

Effective May 9, 1989.

CHAPTER 114

H.P. 490 - L.D. 670

An Act to Amend the Lobbyist Reporting Law

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

3 MRSA §319, sub-§3, is enacted to read:

3. Exemption. Notwithstanding section 317, subsection 1, a registered lobbyist is exempt from the penalty imposed under this section if, while the Legislature is convened in special session, the lobbyist failed to file a report with the Secretary of State pursuant to section 317 provided that no lobbying has been performed during that special session.

See title page for effective date.

CHAPTER 115

H.P. 494 - L.D. 674

An Act to Provide Consumers Notice of Restaurant Foods Containing Monosodium Glutamate

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

22 MRSA §2157, sub-§13 is enacted to read:

13. Monosodium glutamate, MSG. If a person sells, offers for sale or serves in any retail store, hotel, restaurant or other public eating place any food or food product, whether or not in package form, to which that person has added monosodium glutamate, unless:

A. The package in which that food or food product is offered for sale conspicuously bears a label or stamp indicating that the food or food product contains monosodium glutamate;

B. When the food or food product is offered for consumption and is not packaged, a conspicuous label or sign is placed on the food, immediately next to the food, immediately next to the food's listing on the menu, or in an open manner where the food order or food product is obtained, indicating that the food or food product contains monosodium glutamate; or

C. There is a conspicuously displayed directory to which customers can refer for information on the contents of un packaged products offered for sale.

See title page for effective date.

CHAPTER 116

H.P. 501 - L.D. 681

An Act to Clarify the Motor Vehicle Law Concerning the Operation of Motorcycles

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

Sec. 1. 29 MRSA §999, 4th ¶, as enacted by PL 1981, c. 88, §4, is amended to read:

The operator of a motorcycle or a motor driven cycle shall not overtake and pass in the lane occupied by the vehicle being overtaken. This paragraph does not apply to a motorcyclist passing a bicycle nor to a police officer ~~officer~~ officers in the performance of ~~his~~ their duties.

Sec. 2. 29 MRSA §999, as amended by PL 1981, c. 88, §4, is further amended by adding at the end a new paragraph to read:

No person may intentionally or knowingly raise the front wheel of a motorcycle off the surface when operating the motorcycle on a public way or any place where public traffic may reasonably be anticipated.

See title page for effective date.