

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 §3521, as enacted by PL 1975, c. 543, is amended to read:

§3521. Detention of shoplifters

A store owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person ~~he has~~ as to whom there is probable cause to believe is unlawfully concealing merchandise. The purposes of ~~such~~ detention shall be: To require the person being detained to ~~identify himself~~ provide identification; to verify ~~such~~ the identification; to inform a law enforcement officer of the detention and to surrender ~~such that~~ that person to ~~said~~ the officer; and when the detained person is a minor, to inform a law enforcement officer or the parents or guardian of ~~said~~ the minor of the detention and to surrender ~~him~~ the minor to the person so informed.

~~Any sheriff, deputy sheriff, municipal or state police officer, if he has probable cause to believe that a person has unlawfully concealed merchandise, may arrest such person without a warrant, whether or not such concealment was committed in his presence.~~

Sec. 2. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1987, c. 870, §11, is further amended to read:

A. Any person who he has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault, criminal threatening, terrorizing or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;
- (6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of ~~his~~ probation when requested by an official of the Division of Probation and Parole; ~~or~~

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3, section 1051, subsection 2, section 1051, subsection 9 and section 1092; ~~and or~~

(11) Theft involving a detention under Title 17, section 3521; and

See title page for effective date.

CHAPTER 123

H.P. 452 - L.D. 617

An Act to Further Define the Responsibilities of the Maine Milk Commission to Ensure a Supply of Milk to the Consumers of Maine

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

7 MRSA §2953, first ¶, as repealed and replaced by PL 1975, c. 517, §2, is amended to read:

The commission shall have power to establish and change the minimum wholesale and retail prices for the sale of milk within the State, in such a manner as to supplement ~~such the~~ supervision and regulations as are now imposed by existing ~~statutes~~ laws or by lawful ordinances or rules and regulations of the several cities and towns of the State. The commission shall have no power to modify, add to or ~~annual~~ annul any sanitary regulations imposed by any state or municipal authority or to compel ~~pasturization~~ pasteurization in any market area. The commission shall ensure that distributors give 30 days' notice before terminating delivery to any customer in their delivery area or in the traditional delivery area of a distributor they have purchased. The 30-day notice does not apply to cancellations resulting from a failure to pay bills.

See title page for effective date.

CHAPTER 124

H.P. 512 - L.D. 692

An Act to Regulate Medical Wastes