

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

17-A MRSA §708, sub-§4, ¶B, as repealed and replaced by PL 1983, c. 198, §2, is amended to read:

B. A Class C crime, if:

(1) The face value of the negotiable instrument exceeds \$1,000 but does not exceed \$5,000; or

(2) The actor has 2 prior convictions for any combination of theft, a violation of section 702, 703 or this section, a violation of section 401 in which the crime intended to be committed inside the structure is theft, a violation of section 651 or attempts thereat at these violations. Determination of whether a conviction constitutes a prior conviction for purposes of this subsection shall be pursuant to section 362, subsection 3 ~~3-A~~, paragraph E;

See title page for effective date.

CHAPTER 187

H.P. 821 - L.D. 1149

An Act to Increase the Penalties for Forgery

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

Sec. 1. 17-A MRSA §702, sub-§1, ¶E, as enacted by PL 1975, c. 499, §1, is repealed.

Sec. 2. 17-A MRSA §703, sub-§2, as repealed and replaced by PL 1981, c. 317, §21, is repealed and the following enacted in its place:

2. Violation of this section is:

A. A Class B crime if the face value of the written instrument or the aggregate value of instruments exceeds \$5,000;

B. A Class C crime if:

(1) The face value of the written instrument or the aggregate value of instruments exceeds \$1,000 but does not exceed \$5,000; or

(2) The actor has 2 prior convictions for any combination of theft, violation or attempted violation of this section, violation or attempted violation of section 702 or 708 or any violation or attempted violation of section 401 if the intended crime within the structure is theft, or any violation or attempted violation of section 651. Determination of whether a conviction constitutes a prior conviction for purposes of this subsec-

tion shall be pursuant to section 362, subsection 3-A; or

C. Except as provided in paragraphs A and B, forgery is a Class D crime.

Sec. 3. 17-A MRSA §703, sub-§3 is enacted to read:

3. Amounts of value involved in forgeries may be aggregated in the same manner as provided in section 352, subsection 5, paragraph E. Prosecution of an aggregated forgery may be brought in any venue in which one of the aggregated forgeries was committed.

See title page for effective date.

CHAPTER 188

S.P. 298 - L.D. 796

An Act to Remove the Present Dollar Limit on Funeral, Cremation and Burial Expenses Relative to Restitution by Criminal Offenders

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

17-A MRSA §1322, sub-§3, ¶A, as enacted by PL 1977, c. 455, §3, is amended to read:

A. **Allowable expense.** "Allowable expense" means reasonable charges incurred for reasonably needed products, services and accommodations, including those for medical care, rehabilitation, rehabilitative occupational training and other remedial treatment and care, and non-medical remedial care and treatment rendered in accordance with a recognized religious method of healing. The term includes a total charge not in excess of \$500 reasonable and customary charges incurred for expenses in any way related to funeral, cremation and burial. It does not include that portion of a charge for a room in a hospital, clinic, convalescent or nursing home, or any other institution engaged in providing nursing care and related services, in excess of a reasonable and customary charge for semiprivate accommodations, unless other accommodations are medically required.

See title page for effective date.

CHAPTER 189

H.P. 721 - L.D. 990

An Act to Ensure Representation on the Committee to Advise the Department of Human Services on AIDS

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

Whereas, this legislation needs to take effect immediately to ensure appropriate representation on the Committee to Advise the Department of Human Services on AIDS; 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:

5 MRSA §19202, 1st ¶, as amended by PL 1987, c. 769, Pt. A, §33, and c. 861, §§7 and 8, is repealed and the following enacted in its place:

The Committee to Advise the Department of Human Services on AIDS, as established by section 12004-I, subsection 42, shall consist of not less than 27 members nor more than 31 members to include representation of: One allopathic physician from nominees submitted by the Maine Medical Association; one osteopathic physician from nominees submitted by the Maine Osteopathic Association; one nursing home administrator from nominees submitted by the Maine Health Care Association; one funeral director from nominees submitted by the Maine Funeral Directors Association; one social worker from nominees submitted by the Maine Chapter of the National Association of Social Workers; one public school administrator from a local school district from nominees submitted by the Maine Superintendents Association; one nurse from nominees submitted by the Maine State Nurses Association; one representative from nominees submitted by the Maine Hospice Council; one teacher from nominees submitted by the Maine Teachers Association; 3 members of the high-risk community one of whom must be a person with hemophilia from nominees submitted by the Maine Hemophilia Treatment Center and the Maine Chapter of New England Hemophilia Association, one representative of the gay community from nominees submitted by the Maine Lesbian/Gay Political Alliance, and one person living with AIDS from nominees submitted by the Maine Persons with AIDS Coalition; one insurance industry representative; one employee of a community mental health center; one dentist from nominees submitted by the Maine Dental Association; one state employee from nominees submitted by the Maine State Employees Association; 2 members of the public, including one parent of a school-age child; the Commissioner of Human Services or the commissioner's designee who shall serve during the commissioner's term of office; one psychologist from nominees submitted by the Maine Psychological Association; one state employee from nominees submitted by the American Federation of State, County and Municipal Employees; one member representing hospitals from nominees submitted by the Maine Hospital Association; one member representing public health professionals from nominees submitted by the Maine Public Health Association; one representative of a

nonprofit hospital or medical service organization; one substance-abuse counselor; one member of the clergy; and 2 Legislators, one member of the House of Representatives appointed by the Speaker of the House of Representatives and one Senator appointed by the President of the Senate. The members, except for those specifically designated in this paragraph, shall be appointed by the Governor for their competence and experience in connection with these fields.

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

Effective May 26, 1989.

CHAPTER 190

H.P. 692 - L.D. 944

An Act to Increase Protection for Clients of the Department of Mental Health and Mental Retardation

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

Whereas, this Act permits disclosure of information which is of importance to an adult protective investigation or other adult protective activity; 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:

34-B MRSA §1207, sub-§1, ¶B-1, as enacted by PL 1985, c. 495, §23, is amended to read:

B-1. Information shall be disclosed to the Department of Human Services for the purpose of cooperating in an investigation or any other activity pursuant to Title 15, chapter 507, or Title 22, chapter 958-A or 1071, pursuant to an agreement between the department and the Department of Human Services. The agreement, specifying the circumstances and conditions by which disclosure shall be made, shall be promulgated as rules by the department in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375;

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

Effective May 26, 1989.