

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
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1989

ducting relocation assistance programs; and is authorized and empowered to make all contracts and do all things necessary to fulfill the intent and purposes of this subchapter.

Sec. 18. 23 MRSA §245-B, as amended by PL 1971, c. 593, §22, is further amended to read:

§245-B. Guidelines and rules

The department may adopt guidelines and procedures, or promulgate rules and regulations consistent with this subchapter as it ~~deems~~ determines necessary or appropriate to carry out this subchapter and to include the standards of "decent, safe and sanitary."

Sec. 19. 23 MRSA §246, sub-§2, as amended by PL 1987, c. 395, Pt. A, §104, is further amended to read:

2. Commissioner of Transportation. Any person aggrieved by a determination as to eligibility for any payment, except those enumerated in subsection 1, authorized by this subchapter may have ~~his~~ that person's application reviewed by the ~~Commissioner of Transportation commissioner~~ or ~~his~~ the commissioner's delegate whose determination shall be final and nothing ~~herein shall in~~ this section may be construed to give any person a cause of action in the State Claims Commission or the Superior Court.

Sec. 20. 23 MRSA §753, as amended by PL 1985, c. 554, §4, is further amended by adding a 2nd ¶ to read:

The department may adopt its own standard contract specifications. Notwithstanding any other federal or state law, the department's standard specifications shall be utilized in lieu of federally mandated contract clauses.

Sec. 21. Application. Sections 4 to 19 of this Act shall apply only to persons who become displaced persons, within the meaning of this Act, on or after April 2, 1989.

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

Effective June 2, 1989.

CHAPTER 209

S.P. 148 - L.D. 268

An Act to Amend the School Finance Act to Clarify that Certain Educational Costs Provided to Special Populations are Allowable Special Education Costs

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

Sec. 1. 20-A MRSA §15603, sub-§2, ¶¶D and E, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, are amended to read:

D. Major capital costs; ~~and~~

E. Expenditures from all federal revenue sources, except for amounts received under United States Public Law 81-874; and

Sec. 2. 20-A MRSA §15603, sub-§2, ¶F is enacted to read:

F. Special education costs which are the costs of educational services provided to students who are temporarily unable to participate in regular school programs. Students who may be included are pregnant students, hospitalized students or those confined to their homes for illness or injury, students involved in substance abuse programs within hospital settings or in residential rehabilitation facilities licensed by the Department of Human Services, Office of Alcoholism and Drug Abuse Prevention for less than 6 weeks duration or students suffering from other temporary conditions which prohibit their attendance at school. Students served under this paragraph shall not be counted as exceptional students for federal reporting purposes.

See title page for effective date.

CHAPTER 210

H.P. 176 - L.D. 241

An Act to Prohibit Smoking in Enclosed Areas on Ferries

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

22 MRSA §1580-B is enacted to read:

§1580-B. Smoking in enclosed areas on ferries prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Ferry" includes a ferry operated under the jurisdiction of the Department of Transportation pursuant to Title 23, chapter 412, subchapter I or the Public Utilities Commission pursuant to Title 35-A, chapter 51 or any ferry used for the purpose of transporting vehicles, freight or passengers not otherwise covered within those chapters.

B. "Smoking" includes carrying or having in one's possession a lighted cigarette, cigar, pipe or other object giving off smoke or containing any substance giving off smoke.

2. Smoking prohibited. No person may smoke tobacco or any other substance in any enclosed area in which the public is allowed on any ferry.

3. Exception. Notwithstanding subsection 2, the provisions of section 1579-A shall govern any area of a ferry that is used as a restaurant.

4. Notice. The operator of a ferry subject to this section shall post a notice in a conspicuous location in any area in which smoking is prohibited.

5. Violation. The following penalties apply.

A. Any person who fails to post a notice as required by this section commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

B. Any person smoking in an area where smoking is prohibited by this section commits a civil violation for which a forfeiture of not more than \$100 may be adjudged.

See title page for effective date.

CHAPTER 211

H.P. 991 - L.D. 1380

An Act Concerning Observance of Veterans' Commemoration Days

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

30-A MRSA §2901, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2901. Observance of Memorial Day and Veterans Day

1. Decoration of veterans' graves. Each municipality, as directed by its municipal officers, shall annually decorate on May 30th the graves of veterans of the Armed Forces of the United States of America with an American flag and appropriate floral decorations.

2. Erection of flagpole as alternative. ~~When authorized by the municipal officers, any group of citizens or any veterans' organization of that municipality may erect a flagpole of durable material in any cemetery within the municipality in which at least 25 veterans of the Armed Forces of the United States are interred. The American flag may be flown from this pole between the dates of April 20th and May 10th of each year, or on any day officially designated to commemorate veterans of the Armed Forces of the United States. The display of a flag under this subsection satisfies the requirements of subsection 1. Municipal officers shall not be required to observe the requirements of subsection 1 in any cemetery when on May 30th an American flag is flown from a flagpole of durable material. Municipal officers shall actively encourage any group of citizens or veterans' organizations to erect suitable flagpoles in cemeteries where veterans are buried.~~

3. No effect on individuals' right to decorate. This section does not in any way affect the right of any friend or relative of a deceased veteran to decorate the grave.

4. Bell ringing on Veterans Day. Each municipality shall, unless it will cause the municipality to incur an additional expense, cause any public bell or clarion within its possession or control to be rung at 11:00 a.m. on Veterans Day, and the municipal officers of each municipality shall request that any other bell or clarion within the town be rung voluntarily at 11:00 a.m. on Veterans Day, and shall take such steps as are necessary to properly coordinate public and volunteer events.

See title page for effective date.

CHAPTER 212

H.P. 630 - L.D. 853

An Act Regarding Dangerous Dogs

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

7 MRSA §3952, sub-§1, as enacted by PL 1987, c. 383, §3, is amended to read:

1. Procedure. Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault, within 10 days of the assault, may make written complaint to the sheriff or local law enforcement officer that ~~he believes~~ the dog is dangerous or vicious.

The sheriff or local law enforcement officer may file the complaint in District Court or Superior Court.

If, upon hearing, the court is satisfied that the complaint is true, it shall:

- A. Order the dog muzzled, restrained or confined to the premises of its owner or keeper; or
- B. Order the dog to be euthanized if it has killed, maimed or inflicted serious bodily injury upon a person or has a history of assault.

The owner or keeper who keeps a dog in violation of this section commits a civil violation for which a forfeiture not to exceed \$100, plus costs, may be adjudged.

See title page for effective date.

CHAPTER 213

H.P. 874 - L.D. 1217

An Act to Permit Municipalities to Set Lower Debt Limitations