

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
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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

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

30-A MRSA §5702, first ¶, 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:

No municipality may incur debt which would cause its total debt outstanding at any time, exclusive of debt incurred for school purposes, for storm or sanitary sewer purposes, for energy facility purposes or for municipal airport purposes to exceed 7 1/2% of its last full state valuation, or any lower percentage or amount that a municipality may set. A municipality may incur debt for school purposes to an amount outstanding at any time not exceeding 10% of its last full state valuation, or any lower percentage or amount that a municipality may set, for storm or sanitary sewer purposes to an amount outstanding at any time not exceeding 7 1/2% of its last full state valuation, or any lower percentage or amount that a municipality may set, and for municipal airport and special district purposes to an amount outstanding at any time not exceeding 3% of its last full state valuation, or any lower percentage or amount that a municipality may set; provided, however, that in no event may any municipality incur debt which would cause its total debt outstanding at any time to exceed 15% of its last full state valuation, or any lower percentage or amount that a municipality may set.

See title page for effective date.

CHAPTER 214

H.P. 477 - L.D. 657

An Act to Discourage the Theft of Blueberries

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

Whereas, it is the intent of the Legislature that the penalties and provisions of this Act be available to deter stealing of blueberries this coming summer; 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. 36 MRSA §4302, sub-§§1-B, 1-C, 1-D, 1-E and 5 are enacted to read:

1-B. Crew leader. "Crew leader" means a person designated by an owner to supervise an organized crew.

1-C. Organized crew. "Organized crew" means a group of people working together under the supervision of a crew leader to harvest, pick, rake, possess or remove blueberries from the land of an owner.

1-D. Owner. "Owner" includes a landowner or leaseholder of land on which blueberries are grown and harvested for profit, or the landowner's or leaseholder's authorized agent, and includes a receiver of blueberries grown in Canada and purchased from Canadian sellers.

1-E. Permanent record. "Permanent record" means a written record which is kept and maintained for not less than 6 years.

5. Transportation permit. "Transportation permit" means an official permit on forms duly adopted and furnished by the Maine Blueberry Commission to owners.

Sec. 2. 36 MRSA §§4314 to 4318 are enacted to read:

§4314. Permit required

1. Possession or removal unlawful. It shall be unlawful for any person to harvest, pick, rake, possess or remove blueberries from the land of an owner without first securing written permission from the owner or the owner's authorized agent. This section shall not apply to members of an organized crew, provided the crew leader has first secured the written permission of the owner. Any person authorized to make inspections under this chapter may require any person on the land of an owner who has possession of blueberries or is found harvesting, raking, picking or removing blueberries to show a current written permit.

2. No effect on other laws. Nothing in this section may be construed:

A. To relieve any person of any obligation to obtain permission to enter upon the land or premises of another; or

B. To affect any criminal or civil liability which may exist for unauthorized entry, trespass, theft or conversion.

3. Violation. Any violation of this section is a Class E crime.

§4315. Transportation of blueberries

1. Transportation of blueberries without permit. It is unlawful for any person to transport blueberries in quantities exceeding 25 pounds without first obtaining a transportation permit on an official form to be furnished by the Maine Blueberry Commission. The Maine Blueberry Commission shall issue official transportation permit forms to owners who may issue the transportation permits to individuals. Each permit issued shall bear a different number and shall expire at the end of the calendar year. When an owner issues a transportation permit, the owner shall immediately send a copy to the Maine Blueberry Commission.