

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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Sec. 2. 29 MRSA §359, as enacted by PL 1973, c. 529, §1, is repealed and the following enacted in its place:

**§359. Trailer and mobile home dealers**

Every manufacturer or dealer in mobile homes and every manufacturer or dealer in trailers or semitrailers with a gross weight in excess of 3,000 pounds shall annually pay the fees required in section 347 for a license to handle, demonstrate, sell and exchange mobile homes and trailers and semitrailers and for registration plates. The Secretary of State shall determine the number of those plates and is authorized to prescribe limitations on the use of those plates.

See title page for effective date.

**CHAPTER 230**

H.P. 784 - L.D. 1096

**An Act to Better Incorporate Vocational Education into High School Graduation Requirements**

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

20-A MRSA §4722, sub-§3, as enacted by PL 1983, c. 859, Pt. C, §§5 and 7, is amended to read:

3. **Satisfactory completion.** A diploma shall be awarded only to secondary school students who have satisfactorily completed all diploma requirements in accordance with the academic standards of the school administrative unit. Vocational students may, with the approval of the commissioner, satisfy the 2nd-year math and science ~~and~~, the ~~3rd-year~~ 2nd-year social studies and the fine arts requirements of subsection 2 through separate or integrated study within the vocational school curriculum.

See title page for effective date.

**CHAPTER 231**

H.P. 817 - L.D. 1145

**An Act to Authorize the Detention in County Jails of Adults for Offenses Committed as Juveniles**

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

Sec. 1. 15 MRSA §3203-A, sub-§7, ¶A, as amended by PL 1987, c. 398, §6, is further amended to read:

A. A juvenile may be detained in a jail or other security facility intended for use or primarily used for the detention of adults only when the serving facility:

- (1) Contains a separate section for juveniles which complies with mandatory separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208;
- (2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and
- (3) Has an adequate staff to monitor and supervise the juvenile's activities at all times.

Juveniles detained in adult serving facilities shall be placed only in the separate juvenile sections which comply with mandatory separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208, unless the court orders that the person be detained with adults for any period of detention occurring after the detainee has attained the age of 18 years.

Sec. 2. 15 MRSA §3314, sub-§1, ¶H, as amended by PL 1987, c. 297, is further amended to read:

H. The court may commit the juvenile to the Maine Youth Center and order that the sentence be suspended or may commit the juvenile for a period of detention which shall not exceed 30 days, with or without an underlying suspended sentence to the Maine Youth Center, which detention may be served intermittently as the court may order and which shall be ordered served in a county jail designated by the Department of Corrections as a place for the secure detention of juveniles, or in a nonsecure group care home or halfway house. When the detention is ordered served in a county jail, the juvenile may be detained only in that part of the jail which meets the requirements of section 3203-A, subsection 7, paragraph A, unless the court orders that the person be housed with adults for that portion of the detention served after the detainee has attained the age of 18 years. The court may order such a sentence to be served as a part of and with a period of probation, which shall be subject to such provisions of Title 17-A, section 1204 as the court may order and which shall be administered pursuant to Title 34, chapter 121, subchapter V-A. Revocation of probation shall be governed by the procedure contained in subsection 2.

See title page for effective date.

**CHAPTER 232**

S.P. 499 - L.D. 1373

**An Act to Clarify That the Use of Antifreeze or Other Toxic Agents on Lakes, Ponds and Streams Is Illegal**

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

12 MRSA §7573 is enacted to read:

§7573. Illegal use of antifreeze

Adding substances containing ethylene glycol or other antifreeze agents to the waters of this State is a violation of Title 38, section 413.

See title page for effective date.

## CHAPTER 233

S.P. 186 - L.D. 343

### An Act to Include Sheriffs' Deputies in the Maine Tort Claims Act

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

14 MRSA §8102, sub-§1, as repealed and replaced by PL 1987, c. 769, Pt. A, §52, is amended to read:

1. **Employee.** "Employee" means a person acting on behalf of the governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials; volunteer firefighters as defined in Title 30, section 3774; Title 30-A, section 3151; emergency medical service personnel; ~~and~~; Maine National Guardsmen while receiving state active duty pay under Title 37-B, section 143, in accordance with Title 37-B, sections 181 to 183 and 742, and while engaged in the Domestic Action Program; and sheriffs' deputies as defined in Title 30-A, section 381 when they are serving orders pursuant to section 3135, but the term "employee" shall not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

See title page for effective date.

## CHAPTER 234

H.P. 369 - L.D. 500

### An Act to Amend the Low-level Radioactive Waste Authority Laws

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

Whereas, hospital waste that is stored on site for decay within 3 years and is not shipped out of state should be exempt from the assessment for funding the administra-

tive costs of the Low-level Radioactive Waste Commission; and

Whereas, assessments for hospitals are due in June; 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:

38 MRSA §1534-A, sub-§3 is enacted to read:

3. Fee exemptions. Generators shall be exempt from the service fee assessed pursuant to subsection 1 if the generator generates the following types of low-level radioactive waste:

A. Waste which is authorized by the United States Nuclear Regulatory Commission as of January 1, 1989, for disposal without regard to radioactivity;

B. Waste which is authorized by the United States Nuclear Regulatory Commission to be stored for up to 3 years at the site of generation for decay and ultimate disposal without regard to radioactivity; and

C. Radioactive waste or other material, including, but not limited to, sealed radioactive sources, which is returned to the vendor.

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

Effective June 6, 1989.

## CHAPTER 235

S.P. 245 - L.D. 575

### An Act to Amend the Records Management Laws

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

**Sec. 1. 5 MRSA §95, sub-§9,** as enacted by PL 1973, c. 625, §16, is amended to read:

**9. Destruction of records.** To authorize and receive confirmation of the destruction of the records of any state department which, in the opinion of the head of the department, are no longer of value to the department, and which, in the opinion of the State Archivist and the Archives Advisory Board, have no archival value to the State;

**Sec. 2. 5 MRSA §95, sub-§10-C,** as enacted by PL 1973, c. 625, §16, is amended to read: