

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

Marine Resources to select activities and projects that will be most beneficial to the commercial fisheries of the State as well as the development of sports fisheries activities in the State; the remaining 80% of the balance of 2.00% after paying out such refunds shall be credited to the Boating Facilities Fund, established under Title 38, section 322, within the Maine State Bureau of Parks and Recreation. The State Tax Assessor shall certify to the State Controller, on or before the 15th day of each month, the amounts to be credited under the previous sentence, as of the close of the State Controller's records for the previous month. When refunds paid to purchasers and users of internal combustion engine fuel for commercial motorboats in any month exceed 2.00% of gasoline tax revenues for that month, such excess shall be carried forward in computing amounts to be credited to the Department of Marine Resources and to the Boating Facilities Fund under this section for the succeeding month or months. Funds credited to the Department of Marine Resources shall be allocated by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. The Bureau of Parks and Recreation, the Department of Marine Resources, the Department of Inland Fisheries and Wildlife and the Department of Transportation shall devise and agree to a system for determining the percentage of the gasoline tax and special fuels tax that results from fuel purchases for boating uses and whether those uses are for pleasure or commerce and for salt or fresh water boating. The Bureau of Parks and Recreation shall assure that proper records are kept to provide input for this system. Beginning February 1, 1991, and every 3 years thereafter on February 1st, the Bureau of Parks and Recreation shall issue to the joint standing committee of the Legislature having jurisdiction over taxation matters a report based on an analysis of data according to this section. The Boating Facilities Fund shall be used to fund the costs of this activity.

Sec. 2. 38 MRSA §321, as amended by PL 1987, c. 674, §1, is further amended by adding at the end a new paragraph to read:

The Director of the Bureau of Parks and Recreation shall conduct the periodic studies of the State's gasoline tax as specified in Title 36, section 2903-A. The director shall seek the advice of the Department of Inland Fisheries and Wildlife, the Department of Marine Resources and the Department of Transportation relative to these studies and these departments shall cooperate in the design and conduct of these studies.

Sec. 3. Allocation. The following funds are allocated from Boating Facilities Fund to carry out the purposes of this Act.

	1990-91
CONSERVATION, DEPARTMENT OF	
Boating Facilities Fund	
All Other	\$30,000
Provides funds for contractual services to conduct a study for the purpose of establish-	

ing a system to determine the percentage of the gasoline tax that is attributable to boating usage.

See title page for effective date.

CHAPTER 241

H.P. 728 - L.D. 1005

An Act to Prohibit Smoking in Hospitals

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 hospitals

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

A. "Hospital" means any hospital required to be licensed under chapter 405.

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

2. Prohibition. Beginning November 16, 1989, no person may smoke tobacco or any other substance in any enclosed area of any hospital, except as otherwise provided in this section.

3. Exception. A patient or resident of a hospital may smoke in designated areas within the hospital if a licensed physician has written an order permitting the patient or resident to smoke.

See title page for effective date.

CHAPTER 242

H.P. 782 - L.D. 1094

An Act Providing Conformity with the United States Internal Revenue Code Under the Maine Income Tax Law for 1988

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

Whereas, the 90-day period would delay the processing of the 1988 income tax returns; and

Whereas, legislative action is immediately necessary in order to ensure continued and efficient administra-

tion of the Maine income tax law and certain other state taxes; 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 §111, sub-§1-A, as amended by PL 1987, c. 626, §1, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1987~~ 1988.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1988.

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

Effective June 6, 1989.

CHAPTER 243

H.P. 793 - L.D. 1105

An Act to Make Certain Motor Vehicle Laws Applicable to All-terrain Vehicles

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

29 MRSA §1, sub-§7, as amended by PL 1985, c. 539, §2, is further amended to read:

7. Motor vehicle. "Motor vehicle" means any self-propelled vehicle not operated exclusively on tracks, but not including snowmobiles as defined in Title 12, section 7821, and all-terrain vehicles as defined in Title 12, section 7851, unless the all-terrain vehicle is registered for highway use by the Secretary of State under this Title. Notwithstanding any other provision of law, whenever an all-terrain vehicle is operated on a way as defined in section 1, subsection 21, then that all-terrain vehicle shall be subject to all provisions of this Title, except chapters 5, 7, 9, 21, 23 and 25, and chapter 22, sections 2502 through 2525.

See title page for effective date.

CHAPTER 244

H.P. 832 - L.D. 1164

An Act to Allow the Sale of Alcoholic Beverages in Bowling Centers

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

Sec. 1. 28-A MRSA §2, sub-§15, ¶B-1 is enacted to read:

B-1. "Bowling center" means an indoor facility operating at least 8 regulation lanes for the purpose of conducting the game of bowling which is open to the general public and which has suitable facilities for the sale and consumption of liquor.

Sec. 2. 28-A MRSA §1001, sub-§3, ¶B-1 is enacted to read:

B-1. Bowling centers;

Sec. 3. 28-A MRSA §1003, sub-§3, ¶B-1 is enacted to read:

B-1. Bowling centers;

Sec. 4. 28-A MRSA §1004, sub-§3, ¶B-1 is enacted to read:

B-1. Bowling centers;

Sec. 5. 28-A MRSA §1005, sub-§3, ¶B-1 is enacted to read:

B-1. Bowling centers;

Sec. 6. 28-A MRSA §1073, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§1073. Indoor racquet clubs; ice skating clubs; golf club facilities; and bowling centers

1. Issuance of licenses. The commission may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to bowling centers, golf clubs, indoor ice skating clubs and indoor racquet clubs ~~and indoor ice skating clubs~~ as defined in section 2, subsection 15, paragraphs B-1, G, J and K respectively.

2. Food availability. The licensee shall offer food for sale to the public at all times that liquor is for sale. For bowling centers, at least 10% of the gross annual income, not including income from the bowling business, must be from the sale of food.

3. Separate area for sale of food and liquor. The licensee shall set aside a separate area for the sale and consumption of food and liquor in accordance with the rules of the commission. For bowling centers, that separate area