

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
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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

may not include the area in which the game of bowling is conducted.

See title page for effective date.

CHAPTER 245

S.P. 457 - L.D. 1242

An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination against Families with Children

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

Whereas, the United States Congress recently passed amendments to Title VIII of the United States Civil Rights Act with regard to prohibiting discrimination against families with children; and

Whereas, Maine law already prohibits discrimination against families with children, but allows different exemptions; and

Whereas, there is need to bring Maine's laws into conformity with the new federal amendments which go into effect March 12, 1989, so that Maine landlords, building managers and realtors will not be in violation of Maine law while attempting to adhere to federal amendments; 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. 5 MRSA §4552, as amended by PL 1987, c. 478, §1, is further amended to read:

§4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of ~~such~~ these practices, so that corrective measures may, where possible, be promptly recommended and implemented, and to prevent discrimination in employment, housing or access to public accommodations on account of race, color, sex, physical or mental handicap, religion, ancestry or national origin; and in employment, discrimination on account of age and in housing because of familial status; and to prevent discrimination in the extension of credit on account of age, race, color, sex, marital status, religion, ancestry or national origin; and to prevent discrimination in education on account of sex or physical or mental handicap.

Sec. 2. 5 MRSA §4553, sub-§5-A is enacted to read:

5-A. Familial status. "Familial status" means that a family unit may contain one or more individuals who have not attained the age of 18 years and are living with:

A. A parent or another person having legal custody of the individual or individuals; or

B. The designee of the parent or other person having custody, with the written permission of the parent or other person.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or who is in the process of securing legal custody of any individual who has not attained the age of 18 years.

Sec. 3. 5 MRSA §4581, as repealed and replaced by PL 1975, c. 770, §35, is amended to read:

§4581. Decent housing

The opportunity for an individual to secure decent housing in accordance with ~~his~~ the individual's ability to pay, and without discrimination because of race, color, sex, physical or mental ~~handicap~~ handicap, religion, ancestry ~~or~~, national origin or familial status is hereby recognized as and declared to be a civil right.

1. Number of occupants. Nothing in this subchapter limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this subsection regarding familial status apply with respect to housing for older persons.

2. Definition. As used in this section, "housing for older persons" means housing:

A. Provided under any state or federal program that is specifically designed and operated to assist elderly persons as defined in the state or federal program;

B. Intended for, and solely occupied by, persons 62 years of age or older; or

C. Intended and operated for occupancy by at least one person 55 years of age or older per unit. In determining whether housing qualifies as housing for older persons under this paragraph, regulations adopted by the United States Department of Housing and Urban Development shall be used which require at least the following factors:

(1) The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older persons;