

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

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1989

O. Any other factors the court considers appropriate.

2. Costs and attorney's fees. The court may order either party to pay the costs and attorney's fees of the other party in the defense or prosecution of a divorce.

3. Real estate. The court may order any part of the obligated party's real estate and, if necessary, the rents and profits from that real estate to be assigned and set out to the other party for life.

4. Alternative to alimony. Instead of alimony, the court may order either party to pay a specific sum to the other party, as the court may direct.

5. Modification. The court, at any time, may alter or amend a decree for alimony or specific sum when it appears that justice requires it, except that a court shall not increase the alimony if the original decree prohibits an increase. In making any alteration or amendment, the court shall consider the factors listed in subsection 1.

6. Enforcement. The court may use all necessary legal provisions to enforce its decrees.

7. Limitations. This section does not limit the court, by full or partial agreement of the parties or otherwise, from awarding alimony for a limited period, from awarding alimony which may not be increased regardless of subsequent events or conditions or otherwise limiting or conditioning the alimony award in any manner or term that the court considers just.

Sec. 2. Effective date. This Act shall take effect January 1, 1990.

Effective January 1, 1990.

CHAPTER 251

S.P. 258 - L.D. 648

An Act to Clarify Jurisdiction over Discrimination Cases Based upon Claims under the Workers' Compensation Act

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

Sec. 1. 5 MRSA §4572, sub-§1, ¶A, as amended by PL 1987, c. 782, §1, is further amended to read:

A. For any employer to fail or refuse to hire or otherwise discriminate against any applicant for employment because of race or color, sex, physical or mental handicap, religion, ancestry or national origin or age, or because of the applicant's previous assertion of a claim or right under Title 39, or because of previous actions taken by the applicant which are protected under Title 26, chapter 7, subchapter V-B,

or because of any such reason to discharge an employee or discriminate with respect to hire, tenure, promotion, transfer, compensation, terms, conditions or privileges of employment, or any other matter directly or indirectly related to employment, or in recruiting of individuals for employment or in hiring them, to utilize any employment agency which such employer knows, or has reasonable cause to know, discriminates against individuals because of their race or color, sex, physical or mental handicap, religion, age, ancestry or national origin, or their previous assertion of a claim or right under Title 39, or because of previous actions which are protected under Title 26, chapter 7, subchapter V-B;

(1) This paragraph does not apply to discrimination ~~against any individual after hiring because of that individual's previous or subsequent assertion of a claim or right under Title 39.~~ Such discrimination is governed by Title 39, section 111;

Sec. 2. 39 MRSA §111, as amended by PL 1985, c. 118, is further amended by inserting at the end a new paragraph to read:

This section applies only to an employer against whom the employee has testified or asserted a claim under this Act. Discrimination by an employer who is not the same employer against whom the employee has testified or asserted a claim under this Act is governed by Title 5, section 4572, subsection 1, paragraph A.

See title page for effective date.

CHAPTER 252

H.P. 918 - L.D. 1284

An Act to Increase the Penalties for Selling Wild Birds or Animals and Make Them Uniform

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

Sec. 1. 12 MRSA §7456, sub-§5, as amended by PL 1981, c. 414, §30, is repealed and the following enacted in its place:

5. Selling wild birds. A person is guilty of selling wild birds if that person sells or possesses for sale any wild bird, except as provided in chapters 701 to 721. A person may sell the plumage of lawfully taken wild birds if that sale does not violate regulations of the United States Federal Migratory Bird Treaty Act.

Sec. 2. 12 MRSA §7901, sub-§2, as amended by PL 1987, c. 89, §1, is further amended to read:

2. Class D crimes. A violation of section 7406, subsection 1, as it applies to deer; of section 7406, subsection