

# 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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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

5; of section 7406, subsection 10, when the wild animal or bird was taken in violation of section 7406, subsection 5; of section 7458, subsection 1; ~~or 2 or 3~~; or of section 7464, subsection 1; ~~or 2 or 8~~, is a Class D crime, provided that the convicted person shall be imprisoned for not less than 3 days for the first offense and for not less than 10 days for each succeeding offense, this imprisonment not to be suspended, and shall be fined not less than \$1,000, this fine not to be suspended.

**Sec. 3. 12 MRSA §7901, sub-§2-A**, as enacted by PL 1987, c. 89, §2, is amended to read:

**2-A. Bear.** A violation of section 7406, subsection 1, as it applies to bear, or section 7452, subsection 3; ~~or 4 or 9~~ is a Class D crime. A convicted person shall be imprisoned for not more than 180 days and shall be fined not less than \$1,000. This fine is not to be suspended.

**Sec. 4. 12 MRSA §7901, sub-§3**, as enacted by PL 1979, c. 420, §1, is amended to read:

**3. Fish.** A violation of any of the acts prohibited in chapter 711, subchapter III, fishing violations, is a Class E crime, except that in addition to any penalty which the court might impose, a convicted person shall be fined ~~\$5~~ **\$20** for each fish illegally possessed, this fine not to be suspended.

**Sec. 5. 12 MRSA §7901, sub-§8**, as amended by PL 1987, c. 89, §5, is further amended to read:

**8. Wild turkey.** A violation of section 7469, subsection 1; ~~or 2 or 9~~ is a Class E crime. A convicted person shall be fined not less than \$500 and this fine is not to be suspended. In addition, a convicted person shall be fined \$500 for each turkey illegally possessed or killed and this fine is not to be suspended.

**Sec. 6. 12 MRSA, §7901, sub-§13** is enacted to read:

**13. Selling or buying wild birds or wild animals.** Selling or buying wild birds or wild animals is a Class D crime. A convicted person shall be imprisoned for not less than 10 days for a first offense and not less than 20 days for each succeeding offense, this imprisonment not to be suspended, and shall be fined not less than \$1,000, this fine not to be suspended.

A person is guilty of selling or buying wild birds or wild animals if that person:

A. Buys or sells bear in violation of section 7452, subsection 9;

B. Sells wild birds in violation of section 7456, subsection 5;

C. Buys or sells deer in violation of section 7458, subsection 3;

D. Buys or sells moose in violation of section 7464, subsection 8; or

E. Buys or sells wild turkey in violation of section 7469, subsection 9.

See title page for effective date.

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## CHAPTER 253

H.P. 825 - L.D. 1157

### An Act to Reduce the Quantities of Cocaine and Heroin Necessary to Allow a Presumption of Unlawful Furnishing

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

**17-A MRSA §1106, sub-§3**, as amended by PL 1987, c. 535, §4, is further amended to read:

**3.** A person shall be presumed to be unlawfully furnishing a scheduled drug if ~~he~~ the person intentionally or knowingly possesses more than 1 1/2 ounces of marijuana, ~~44~~ 7 grams or more of cocaine or ~~44~~ 2 grams or more of heroin.

See title page for effective date.

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## CHAPTER 254

H.P. 544 - L.D. 741

### An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities

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

**Sec. 1. 17 MRSA §331, sub-§7**, as amended by PL 1987, c. 402, Pt. B, §§16 and 17, is repealed and the following enacted in its place:

**7. Special exempt raffles; prizes from \$10,000 to \$25,000.** The following rules apply to special exempt raffles licensed under this subsection.

A. Except as provided in subsection 8, the Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000. Section 341 does not apply to raffles licensed under this section.

B. The Chief of the State Police may not issue a license under this subsection to hold a raffle in which the holder of a winning chance receives a cash prize worth more than \$10,000.