

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

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

29 MRSA §2501-A, sub-§3, as amended by PL 1987, c. 678, §2, is further amended to read:

3. **Eluding an officer; written policies.** Whoever, after being requested or signaled to stop, attempts to elude a law enforcement officer by driving a vehicle at a reckless rate of speed which results in a high-speed chase between the operator's vehicle and any law enforcement vehicle using a blue light and siren is guilty of a Class C crime. If any person suffers any serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result of the operator's attempt to elude a law enforcement officer as described in this section, that operator commits a Class B crime.

All state, county and municipal law enforcement agencies shall adopt written policies on the use of high-speed chases.

See title page for effective date.

CHAPTER 263

H.P. 508 - L.D. 688

An Act Concerning Burglary of a Motor Vehicle

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

17-A MRSA §405 is enacted to read:

§405. Burglary of a motor vehicle

1. A person is guilty of burglary of a motor vehicle if the actor enters a motor vehicle, knowing that the actor is not licensed or privileged to do so, with the intent to commit a crime therein.

2. Burglary of a motor vehicle is a Class C crime.

See title page for effective date.

CHAPTER 264

S.P. 231 - L.D. 561

An Act to Provide Complimentary Muzzle-loading Hunting Licenses to Resident Disabled War Veterans

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

12 MRSA §7076, sub-§4, as amended by PL 1983, c. 797, §4, is further amended to read:

4. **Resident disabled war veterans.** A complimentary license to hunt or fish, or a combination hunting and fishing license, and, if requested, a pheasant hunting permit; and a muzzle-loading hunting license under section 7107-A shall be issued to any resident of Maine who:

A. Is a veteran, as defined in Title 37-A, section 28;

B. Has a ~~service-connected~~ service-connected disability evaluated at 70% or more as a result of honorable military service;

C. Has served in a combat zone during either World War I, World War II, the Korean War or the ~~Viet Nam~~ Vietnam War; and

D. Applies for that license to the commissioner.

This application shall be accompanied by a photo copy of the applicant's final DD form 214 or other evidence satisfactory to the commissioner that the applicant meets the requirements of this subsection. Each license issued under this subsection shall remain valid through December 31st of the 2nd complete calendar year following the year of issuance.

See title page for effective date.

CHAPTER 265

S.P. 220 - L.D. 536

An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation

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

Sec. 1. 4 MRSA §807, first ¶, as repealed and replaced by PL 1987, c. 737, Pt. C, §§4 and 106; and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

1. **Prohibition.** No person may practice law or hold that person out to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless that person has been admitted to the bar of this State and has complied with section 806-A, or unless that person has been admitted to try cases in the courts of this State under section 802.

2. **Violation.** Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime.

3. **Application.** This section shall not be construed to apply to:

A. Practice before any Federal Court by any person admitted to practice therein;

B. A person pleading or managing that person's own cause in court;

C. The officer or employee of a corporation, partnership, sole proprietorship or governmental entity, who is not an attorney, but is appearing for that organization in an action cognizable as a small claim under Title 14, chapter 738;

D. A person who is not an attorney, but is representing a municipality under:

- (1) Title 30-A, section 2671, subsection 3;
- (2) Title 30-A, section 4221, subsection 2;
- (3) Title 30-A, section 4452, subsection 1; or
- (4) Title 38, section 441, subsection 2;

E. A person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7;

F. A person who is not an attorney, but is representing the Bureau of Employment Security or the Bureau of Taxation under section 807-A;

G. A person who is not an attorney, but is representing a party in any hearing, action or proceeding before the Workers' Compensation Commission as provided in Title 39, section 110-A; or

H. A person who is not an attorney, but has been designated under Title 34-B, section 1204, subsection 7, to represent the Department of Mental Health and Mental Retardation in Probate Court.

4. Evidence. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that that person is not a member of the bar licensed to practice law in the State.

Sec. 2. 34-B MRSA §1204, sub-§7 is enacted to read:

7. Appearance of designated employees in Probate Court. The commissioner may designate employees of the department to represent the department in Probate Court only in:

A. Matters relating to the performance of duties in uncontested guardianship proceedings; and

B. Requests for emergency guardianships arising from the need for emergency medical treatment.

See title page for effective date.

CHAPTER 266

H.P. 391 - L.D. 522

An Act to Amend Disorderly Conduct Offenses

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

17-A MRSA §501, sub-§1, ¶C, as enacted by PL 1981, c. 37, §2, is amended to read:

C. Engaging in fighting, ~~after having been ordered by a law enforcement officer to cease fighting with~~ out being licensed or privileged to do so;

See title page for effective date.

CHAPTER 267

S.P. 193 - L.D. 430

An Act to Allow Health Care Practitioners to Report Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal

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

25 MRSA §2415 is enacted to read:

§2415. Reporting by health care practitioner

1. Reasonable cause to suspect; information disclosed. A health care practitioner, as defined by Title 24, section 2502, subsection 1-A, who, as a result of the practitioner's examination or treatment of a person for a burn injury, has reasonable cause to suspect that the burn injury was sustained in connection with an act of arson, may report to the Office of the State Fire Marshal. The health care practitioner's report may include the name and address of the person examined or treated, the basis for the practitioner's suspicion and other information which, in the judgment of the practitioner, may aid in investigation by the Office of the State Fire Marshal.

2. Immunity. A health care practitioner who, acting in good faith in reporting under this section or participating in a related investigation or proceeding, makes a report pursuant to subsection 1 is immune from civil or criminal liability for the act of reporting or participating in a related investigation or proceeding. Good faith does not include instances when a false report is made and the person knows the report is false. Nothing in this section may be construed to bar criminal or civil action regarding perjury.

3. Presumption of good faith. In a proceeding regarding immunity from liability, there shall be a rebuttable presumption that a report made under subsection 1 was made in good faith.