

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
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PUBLIC LAWS
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delivery to the recipient or by delivery to the recipient's office.

Sec. 2. 5 MRSA §9051, sub-§3 is enacted to read:

3. Filing and service. The filing of any submission in any adjudicatory proceeding or the service of any paper on a party to an adjudicatory proceeding is complete:

A. Upon an agency when the agency receives the submission or the paper by mail, in-hand delivery or any other means specified by the agency; or

B. Upon a party upon mailing of the paper to the party or the party's attorney, upon in-hand delivery to the recipient or by delivery to the recipient's office.

See title page for effective date.

CHAPTER 298

H.P. 847 - L.D. 1179

An Act Concerning the Rights of a Father to Bring a Paternity Action

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

Sec. 1. 19 MRSA §272, first ¶, as amended by PL 1985, c. 652, §4, is further amended to read:

Paternity may be determined upon the complaint of the mother, alleged father, child or the public authority chargeable by law with the support of the child. If paternity has been determined or has been acknowledged according to the laws of this State, the liabilities of the father may be enforced in the same or other proceedings by the mother, child or the public authority which has furnished or may furnish the reasonable expenses of pregnancy, confinement, education, necessary support or funeral expenses, and by other persons including private agencies to the extent that they have furnished the reasonable expenses of pregnancy, confinement, education, necessary support or funeral expenses. Aid to Families with Dependent Children benefits expended, pursuant to Title 22, chapter 1053, on behalf of the mother by the public authority shall be considered necessary support for the child.

Sec. 2. 19 MRSA §280-A, as enacted by PL 1985, c. 652, §9, is amended to read:

§280-A. Rebuttal of presumption

An alleged father or a mother may rebut the presumption of paternity contained in section 280, subsection 1, paragraph D, by clear and convincing evidence.

See title page for effective date.

CHAPTER 299

H.P. 830 - L.D. 1162

An Act Regarding Sludge Spreading

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

Whereas, the stockpiling of wet sludge is insufficiently regulated to protect the health and safety of the public; and

Whereas, wet sludge is currently being stockpiled without a certain day by which it shall be spread; 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:

38 MRSA §1304, sub-§13-A is enacted to read:

13-A. Pulp and paper mill sludge; land spreading. The provisions of this section apply only to land spreading and related storage of sludge generated at industrial facilities utilizing kraft wood pulping processes.

A. Subject to Title 5, section 9051-A, the board shall adopt provisions for public notification prior to use of individual utilization sites and storage sites. Notice to individuals shall be made by certified mail.

B. The board shall establish, by rule, requirements for the siting, preparation of the site and operation of facilities, including stockpiles, used for the storage of sludge for a period of more than 30 days. The board shall incorporate the following provisions:

(1) The maximum storage period at facilities without impervious liners and leachate collection and treatment is 6 months. The board may waive this requirement on a case-by-case basis for a maximum of 2 additional months when the applicant has demonstrated that the storage facility is inaccessible or that utilization of the stored material would be in violation of any prohibition of land spreading on frozen, snow-covered or saturated ground.

(2) Sludge storage sites shall not be located within 300 feet of a year-round river, stream, brook or pond nor within 75 feet of any intermittent stream or brook or any natural drainage way, including gullies, swales and ravines.

(3) Storage facilities without impervious liners and leachate collection systems may be used only once in any 10-year period.

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

Effective June 14, 1989.

CHAPTER 300

H.P. 807 - L.D. 1119

An Act to Increase the Penalties for Tampering With a Juror or a Victim

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

17-A MRSA §454, as amended by PL 1983, c. 352, §1, is further amended to read:

§454. Tampering with a witness, informant, victim or juror

1. A person is guilty of tampering with a witness, informant ~~or~~, victim or juror if, believing that an official proceeding, as defined in section 451, subsection 5, paragraph A, or an official criminal investigation is pending or will be instituted that person:

A. ~~He induces~~ Induces or otherwise causes, or attempts to induce or cause, a witness, informant or victim:

- (1) To testify or inform falsely; or
- (2) To withhold any testimony, information or evidence;

B. ~~He uses~~ Uses force, violence or intimidation, or ~~he~~ promises, offers or gives any pecuniary benefit with the intent to induce a witness, informant or victim:

- (1) To withhold any testimony, information or evidence;
- (2) To ~~absent himself from~~ refrain from attending any criminal proceeding or criminal investigation; or
- (3) To ~~absent himself from~~ refrain from attending any other proceeding or investigation to which ~~he~~ the witness, informant or victim has been summoned by legal process; or

C. ~~He solicits~~ Solicits, accepts or agrees to accept any pecuniary benefit ~~in consideration of his~~ for doing any of the things specified in paragraph A, subparagraph (1), or in paragraph B, subparagraph (1), (2) or (3).

1-A. A person is guilty of tampering with a juror, if that person contacts, by any means, a person who is a juror or any other person the actor believes is in a position to influence a juror and the actor does so with the intention of influencing the juror in the performance of the juror's duty.

2. Tampering with a witness ~~or~~, informant or juror is a Class C crime. Tampering with a victim is a Class B crime.

3. ~~"Victim" means a person who suffers bodily injury, death or economic loss as a result of a crime or the good faith effort of any person to prevent a crime.~~

4. Notwithstanding subsection 2, when the most serious charge or charges against the defendant include murder or a Class A crime, tampering with the victim of any crime charged or a juror involved in the criminal proceedings is a Class B crime.

See title page for effective date.

CHAPTER 301

H.P. 803 - L.D. 1115

An Act Concerning Bed and Breakfast Establishments

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

5 MRSA §4592, as amended by PL 1985, c. 638, §§2 and 3, is repealed and the following enacted in its place:

§4592. Unlawful public accommodations

It shall be unlawful public accommodations discrimination, in violation of this Act:

1. Denial of public accommodations. For any person who is the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation to directly or indirectly refuse, withhold from or deny to any person, on account of race or color, sex, physical or mental handicap, religion, ancestry or national origin, any of the accommodations, advantages, facilities or privileges of public accommodation, or in any manner discriminate against any person in the price, terms or conditions upon which access to accommodation, advantages, facilities and privileges may depend;

2. Communication, notice or advertisement. For any person to directly or indirectly publish, display or communicate any notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any place of public accommodation shall be refused, withheld from or denied to any person on account of race or color, sex, physical or mental handicap, religion, ancestry or national origin, or that the patronage or custom of any person belonging to or purporting to be of any particular race or color, sex, physical or mental handicap, religion,