

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
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of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

(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,

ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited, or that the clientele is restricted to any particular race or color, physical or mental handicap, religion, ancestry or national origin. The production of any communication, notice or advertisement purporting to relate to any place of accommodation shall be presumptive evidence in any action that the action was authorized by its owner, manager or proprietor; and

3. Denial of lodging; children, exception. For any person who is the owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation for lodging to directly or indirectly refuse or withhold from or deny to any person that lodging on the grounds that the person is accompanied by a child or children who will occupy the unit, unless the total number of persons seeking to occupy the unit exceeds the number permitted by local ordinances or reasonable standards relating to health, safety or sanitation.

This subsection does not apply to the owner of a lodging place:

- A. That serves breakfast;
- B. That contains no more than 8 rooms available to be let to lodgers; and
- C. In which the owner resides on the premises.

See title page for effective date.

CHAPTER 302

H.P. 802 - L.D. 1114

An Act to Clarify the Exempt Status of a Bona Fide Lienholder under the Forfeiture of Assets Act

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

Sec. 1. 15 MRSA §5821, sub-§6, ¶A, as enacted by PL 1987, c. 420, §2, is amended to read:

A. No property may be forfeited under this subsection, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner; ~~and~~

Sec. 2. 15 MRSA §5821, sub-§7, ¶A, as enacted by PL 1987, c. 420, §2, is amended to read:

A. No property may be forfeited under this subsection, to the extent of an interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner. When an owner of property which is that person's primary residence

proves by a preponderance of the evidence that he is the spouse or minor child of the coowner of the primary residence who has used or intended to use the residence, in any manner or part, to commit or facilitate the commission of a violation of Title 17-A, section 1103 or 1105, the State shall bear the burden of proving knowledge or consent of the spouse or minor child by a preponderance of the evidence; and

Sec. 3. 15 MRSA §5821, sub-§8 is enacted to read:

8. Bona fide lienholders. A forfeiture, under this section, of property encumbered by a perfected bona fide security interest, is subject to the interest of the secured party if the party neither had knowledge of nor consented to the act or omission upon which the right of forfeiture is based.

Sec. 4. 15 MRSA §5822, sub-§4, ¶B, as enacted by PL 1987, c. 420, §2, is amended to read:

B. The court may also order the property sold at public auction and the proceeds of the sale, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice to pay any perfected bona fide mortgage or security interest on the mortgage, disposed of in accordance with other property forfeited under this subsection.

See title page for effective date.

CHAPTER 303

H.P. 781 - L.D. 1093

An Act to Provide a Fee Adjustment for Civil Process Servers

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

30-A MRSA §421, sub-§§1, 2 and 14, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

1. Civil process. For service of all writs or complaints with summonses, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service which are not specified in this section, ~~\$4 for each such service and \$8 if the service is made in hand; ;~~

A. For proceedings in forma pauperis, \$4 for each such service and \$8 if the service is made in hand;

B. For service on behalf of the State, \$4 for each such service and \$8 if the service is made in hand; and