

# 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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**CHAPTER 431**

H.P. 757 - L.D. 1061

**An Act to Increase the Penalties for Repeat Violations of the Prostitution Laws**

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

**Sec. 1. 17-A MRSA §852, sub-§3**, as enacted by PL 1975, c. 499, §1, is amended to read:

3. Aggravated promotion of prostitution is a Class E crime.

**Sec. 2. 17-A MRSA §853-A, sub-§3** is enacted to read:

3. Engaging in prostitution is a Class D crime if, at the time of the offense, the person has one prior conviction for engaging in prostitution within a 2-year period. For purposes of this subsection, a prior conviction has occurred within the 2-year period if the date of docket entry by the clerk of a judgment of conviction is 2 years or less from the date of the new conduct which is penalized or for which the penalty is or may be enhanced.

**Sec. 3. 17-A MRSA §853-B, sub-§3** is enacted to read:

3. Engaging a prostitute is a Class D crime if, at the time of the offense, the person has one prior conviction for engaging a prostitute within a 2-year period. For purposes of this subsection, a prior conviction has occurred within the 2-year period if the date of docket entry by the clerk of a judgment of conviction is 2 years or less from the date of the new conduct which is penalized or for which the penalty is or may be enhanced.

See title page for effective date.

**CHAPTER 432**

H.P. 1211 - L.D. 1683

**An Act to Ensure the Continuity of Mental Health Services**

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

Whereas, it is in the best interest of the people of the State to ensure stability in the provision of mental health services; and

Whereas, it is generally in the best interest of the consumer to ensure the continuation of existing mental health services by the current provider unless the Department of Mental Health and Mental Retardation determines,

after appropriate review and hearing, that adequate cause exists to terminate the service or to change the provider; and

Whereas, the Department of Mental Health and Mental Retardation is proposing to put certain existing mental health services out to bid within the very near future without any prior determination of cause; and

Whereas, the bidding of existing services, without cause, has the potential for seriously disrupting the health services delivery system and unnecessarily putting at risk those persons who have come to depend on existing mental health services; 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:**

**34-B MRSA §1208, sub-§6** is enacted to read:

6. Rules. The commissioner shall not request competitive bids for existing services until the commissioner has adopted rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to ensure:

A. The stability of the provider system by setting forth the causes for which existing services may be placed out for competitive bid;

B. The protection of the consumer of mental health or mental retardation services in such a way that any change in provider will be accomplished in a manner which fully protects the consumer; and

C. The verification of the nonservice revenue portion of proposed budgets submitted by current and prospective providers.

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

Effective June 22, 1989.

**CHAPTER 433**

S.P. 600 - L.D. 1677

**An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas**

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

**Sec. 1. 38 MRSA §414-B, sub-§4** is enacted to read: