

# 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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Nursing Service Administrators, the Maine Hospital Association, the Maine Society for Hospital Personnel Administrators, the Maine Licensed Practical Nurses' Association, the Maine Community Health Association, the State Board of Nursing, Maine Health Care Association Longterm Care Nursing Council, Consortium United Maine Nurses, public baccalaureate nursing education, private baccalaureate nursing education, ~~Vocational-technical institutes~~ technical colleges and Maine Council of Associate Degree Nursing Programs. All regions of the State must be fairly represented. Appointments shall be for 3-year terms, except that no more than 3 members' terms may expire in any one calendar year and appointments for terms of less than 3 years may be made in order to comply with this limitation.

**Sec. 87. 32 MRSA §2261, sub-§3, 1C**, as enacted by PL 1985, c. 724, §29, is amended to read:

C. The extent that credits are transferable between ~~vocational-technical institutes~~ technical colleges and the university system and whether full credit for courses will be granted toward a baccalaureate degree;

**Sec. 88. 32 MRSA §2311, sub-§7**, as repealed and replaced by PL 1985, c. 389, §13, is amended to read:

7. **Journeyman oil burner technician.** "Journeyman oil burner technician" means any person licensed under this chapter to install, clean, service, alter or repair oil burning equipment. A journeyman oil burner technician shall install oil burning equipment only under the supervision of a master oil burner technician licensed under this chapter and shall at all times be under the supervision of, or in the employ of, a master oil burner technician licensed under this chapter. Applicants for a license of this classification shall present evidence ~~satisfactory~~ satisfactory to the board of at least one year's practical experience, or completion of a course at a Maine ~~vocational-technical institute~~ technical college or comparable institute from another state, provided that the course has been approved by the board and the applicant presents evidence of 6 months' practical experience.

**Sec. 89. 32 MRSA §3501, sub-§2, 1B**, as repealed and replaced by PL 1983, c. 468, §17, is amended to read:

B. A minimum of 2,000 hours of work in the field of plumbing installations as a journeyman-in-training under the supervision of a master plumber, provided that the work experience is obtained within 4 years of the date upon which the applicant was issued ~~his~~ a journeyman-in-training license. A journeyman-in-training license shall be issued upon sworn application therefor to any person who has satisfactorily completed one academic year of instruction in plumbing at a Maine ~~vocational-technical institute~~ technical college and who has obtained a passing grade, as determined by the board on the journeyman's examination. Any person who is enrolled in a course of instruction in plumbing at a Maine vocational-technical institute on July 1, 1983, may be licensed as a journeyman upon successful comple-

tion of that course of instruction and passage of the journeyman's examination.

**Sec. 90. 32 MRSA §8105, sub-§7-A, 1D**, as amended by PL 1987, c. 602, §2, is further amended to read:

D. Possesses a minimum of 6 years of preparation consisting of a combination of:

- (1) Work experience, including at least 2 years in a nonclerical occupation related to law or the criminal justice system; and
- (2) Educational experience, including at least:
  - (a) Sixty academic credits of post-secondary education acquired at an accredited junior college, college or university; or
  - (b) An associate degree in law enforcement, based on 2 years of post-secondary instruction, conferred by an established ~~vocational-technical institute~~ technical college; and

**Sec. 91. Implementation.** The costs of implementing the name change provided in this Act for activities such as replacing stationary, forms and brochures and rewording signs shall be phased in as existing supplies are exhausted and as available resources permit. The cost to individual campuses shall be paid from funds available to the campus and the cost to the system office shall be paid from available system office funds.

See title page for effective date.

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## CHAPTER 444

S.P. 649 - L.D. 1744

### An Act Concerning the Public Utilities Commission

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

**Whereas**, for collective bargaining negotiations to proceed on schedule, the provisions of this legislation need to take effect as soon as possible; 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:**

35-A MRSA §7304 is enacted to read:

**§7304. Limitation on commission's authority to order competitive bidding**

The commission shall issue no order and promulgate no rule that limits the full exercise of bargaining rights available to management and any union representing labor under the National Labor Relations Act, Public Law 1935, No. 198; United States Code, Title 29, Section 151 et seq. over the issue of who has the right to perform construction work on telephone facilities. Nothing in this section may be construed to imply a requirement that work must be contracted out or must be performed exclusively by the company's own work force; any such determination is to be left to bargaining between the parties. In addition, nothing in this section may limit the ability of the commission to establish reasonable rates for consumers.

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

Effective June 22, 1989.

## CHAPTER 445

H.P. 970 - L.D. 1348

### An Act to Protect Children from Illegal Tobacco Sales

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

**Sec. 1. 15 MRSA §3103, sub-§1, ¶C-1** is enacted to read:

C-1. Offenses involving cigarettes or tobacco products, as provided in Title 22, section 1579 and offenses involving cigarettes as provided in Title 22, section 1629;

**Sec. 2. 15 MRSA §3103, sub-§1, ¶D**, as amended by PL 1981, c. 679, §3, is further amended to read:

D. If a juvenile is adjudicated to have committed an action described in paragraph B, ~~or C;~~ or C-1 willful refusal to pay a resulting fine or willful violation of the terms of a resulting probation;

**Sec. 3. 15 MRSA §3105-A, sub-§2, ¶C**, as repealed and replaced by PL 1987, c. 769, Pt. A, §54, is amended to read:

C. A prosecution for conduct specified in section 3103, subsection 1, paragraph B, C, C-1, D, E or F shall be commenced within one year after it is committed.

**Sec. 4. 15 MRSA §3201, sub-§3**, as enacted by PL 1979, c. 681, §8, is amended to read:

**3. Enforcement of other juvenile crimes.** A law enforcement officer who has probable cause to believe that a juvenile crime, as defined by section 3103, subsection 1, ~~paragraphs paragraph B, or C; or C-1~~ has been committed may request that the juvenile provide the officer with reasonably credible evidence of ~~his~~ the juvenile's name, address and age. The evidence may consist of oral representations by the juvenile. If the juvenile furnishes the officer with evidence of ~~his~~ the juvenile's name, address and age and the evidence does not appear to be reasonably credible, the officer shall attempt to verify the evidence as quickly as is reasonably possible. During the period the verification is being attempted, the officer may require the juvenile to remain ~~in his presence~~ present for a period not to exceed 2 hours.

After informing the juvenile of the provisions of this subsection, the officer may arrest the juvenile for a crime defined in section 3103, subsection 1, paragraph B, ~~or C; or C-1~~ if the juvenile intentionally refuses to furnish any evidence of ~~his~~ the juvenile's name, address and age, or if, after attempting to verify the evidence as provided for in this subsection, the officer has probable cause to believe that the juvenile has intentionally failed to provide reasonably credible evidence of ~~his~~ the juvenile's name, address and age.

**Sec. 5. 15 MRSA §3307, sub-§2, ¶B**, as amended by PL 1981, c. 361, is further amended to read:

B. The general public shall be excluded from all other juvenile hearings and proceedings, except that a juvenile charged with a juvenile crime that would constitute murder or a Class A, Class B or Class C offense and with a juvenile crime that would constitute a juvenile's first Class D offense or Class E offense or with conduct described in section 3103, subsection 1, paragraph B, C, C-1, D or E, arising from the same underlying transaction may elect to have all charges adjudicated in one hearing, and, where a juvenile does so elect, the general public shall not be excluded from that hearing.

**Sec. 6. 15 MRSA §3314, sub-§1, ¶G**, as repealed and replaced by PL 1979, c. 681, §30, is amended to read:

G. Except for a violation of section 3103, subsection 1, paragraph D, the court may impose a fine, subject to Title 17-A, sections 1301 to 1305. For the purpose of this section, juvenile offenses defined in section 3103, subsection 1, paragraphs B, ~~and C,~~ and C-1, shall be deemed Class E crimes.

**Sec. 7. 17-A MRSA §554, sub-§2, ¶A**, as enacted by PL 1975, c. 499, §1, is amended to read:

A. The defendant was the parent, foster parent, guardian or other similar person responsible for the long-term general care and welfare of a child under the age of 16 who furnished such child cigarettes, tobacco or a reasonable amount of intoxicating liquor in the actor's home and presence; or