

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

surgeons licensed under Title 32, chapter 48, are considered to render the same professional service.

See title page for effective date.

CHAPTER 614

H.P. 1341 - L.D. 1858

An Act to Integrate Relief Provided by the Maine Residents Property Tax Program with Poverty Abatements

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

36 MRSA §6216, 2nd ¶, as enacted by PL 1987, c. 516, §§3 and 6, is amended to read:

Benefits received under this chapter may not be included as income for purposes of any state or municipally administered public benefit program but may be considered for purposes of determining eligibility for abatement under section 841, subsection 2.

See title page for effective date.

CHAPTER 615

S.P. 711 - L.D. 1888

An Act Concerning Financial Accountability of Schools Approved for Tuition Purposes

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

Sec. 1. 20-A MRSA §15618-A, sub-§1, as enacted by PL 1987, c. 669, is amended in the first paragraph to read:

1. Annual report. Beginning in 1989, the commissioner shall prepare an annual report by December 1st showing approved school administrative unit educational budgets on a unit-by-unit basis. The report shall must show budgetary items approved by public schools and schools approved for tuition purposes in the following categories:

Sec. 2. 20-A MRSA §15618-A, sub-§2 is enacted to read:

2. Annual audit for schools approved for tuition purposes. A private secondary school approved for tuition purposes must furnish to the State Auditor, on or before September 1st of each year, satisfactory proof that the books, accounts, financial documents and reports of the private secondary school to the commissioner for the preceding fiscal year have been examined and found to be in a satisfactory and accurate condition with proper vouchers on file. An audit must be made by the Department of Audit, by individuals or firms recognized as

competent auditors by training and experience or by qualified public accountants.

See title page for effective date.

CHAPTER 616

H.P. 1373 - L.D. 1904

An Act to Increase Fees for Defensive Driving Courses

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

Sec. 1. 23 MRSA §4208, as amended by PL 1981, c. 292, is further amended to read:

§4208. Defensive driving courses; fees

The Department of Public Safety is authorized to conduct defensive driving courses for the purpose of promoting highway safety and to charge a registration fee of \$15 \$20 to participants in the defensive driving courses conducted under the auspices of the department. The fee shall be used to cover the cost of conducting the courses. Any balances remaining at the end of the fiscal year shall not lapse but shall be carried forward to be used for the purposes stated in this section.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1990-91
PUBLIC SAFETY, DEPARTMENT OF	
Defensive Driving - Bureau of Safety	
Personal Services	\$14,000
All Other	10,000
Provides funds for additional staff time costs and related op- erational expenses.	
DEPARTMENT OF PUBLIC SAFETY TOTAL	<u>\$24,000</u>

See title page for effective date.

CHAPTER 617

H.P. 1422 - L.D. 1974

An Act to Clarify the Status of Court Mediators, Court Appointed Special Advocates and Bail Commissioners with Respect to Civil Liability

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

Sec. 1. 4 MRSA §18, sub-§2-A, as enacted by PL 1985, c. 562, is amended to read:

2-A. Immunity from civil liability. A person serving as a mediator under contract with the Judicial Department or as Director or Deputy Director of the Court Mediation Service is immune from any civil liability ~~for negligent acts described in Title 14, section 8111, subsection 1, as are employees of governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of the mediator's, director's or deputy director's duties.~~

Sec. 2. 4 MRSA §1506, as enacted by PL 1985, c. 581, §1, is amended to read:

§1506. Immunity from civil liability

A person serving as a court appointed special advocate under contract with the Judicial Department or as Director of the Court Appointed Special Advocate Program is immune from any civil liability ~~for negligent acts described in Title 14, section 8111, subsection 1, as are employees of governmental entities, under the Maine Tort Claims Act, Title 14, chapter 741, for acts performed within the scope of the court appointed special advocate's or director's duties.~~

Sec. 3. 15 MRSA §1023, sub-§3, as enacted by PL 1987, c. 758, §20, is amended to read:

3. Immunity from liability. A person appointed and serving as a bail commissioner is immune from any civil liability ~~for acts described in Title 14, section 8111, subsection 1, as are employees of governmental entities under the Maine Tort Claims Act, Title 14, chapter 741 for acts performed within the scope of the bail commissioner's duties.~~

See title page for effective date.

CHAPTER 618

H.P. 1431 - L.D. 1999

An Act to Prohibit the Sale of Bait in Polystyrene Foam Containers

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

Sec. 1. 12 MRSA §7606, sub-§1-A is enacted to read:

1-A. Sale of bait or baitfish in polystyrene foam containers. A person who sells bait or baitfish shall not provide or sell the bait or baitfish in containers that are composed in whole or in part of polystyrene foam plastic.

Sec. 2. Effective date. This Act takes effect January 1, 1991.

Effective January 1, 1991.

CHAPTER 619

S.P. 774 - L.D. 2002

An Act to Extend the Appeal Time for Town Government

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

36 MRSA §272, sub-§1, as enacted by PL 1985, c. 764, §8, is amended to read:

1. Filing. Any municipality aggrieved shall file a written notice of appeal within 45 days of its receipt of notification of the decision of the Bureau of Taxation. The appeal to the board shall be in writing signed by a majority of the municipal officers, and shall be accompanied by an affidavit stating the grounds for appeal. A copy of the appeal and the affidavit shall be served on the Bureau of Taxation.

See title page for effective date.

CHAPTER 620

H.P. 462 - L.D. 627

An Act Relating to Computer Access

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

17-A MRSA c. 18 is enacted to read:

CHAPTER 18

COMPUTER CRIMES

§431. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. "Access" means to gain logical entry into, instruct, communicate with, store data in or retrieve data from any computer resource.

2. "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes any data storage facility or communications facility directly related to or operating in conjunction with such device.