

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**January 3, 1990 to April 14, 1990**

---

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

25 MRSA §3706 is enacted to read:

**§3706. Sale of consumer education materials**

Nothing in this chapter prevents the Department of the Attorney General from distributing, publicizing and charging for the cost of consumer education materials, including descriptions of federal and state laws dealing with unfair and deceptive trade practices.

See title page for effective date.

---

**CHAPTER 654**

S.P. 783 - L.D. 2024

**An Act to Clarify and Expand the Provisions of the Law Creating the Jail Industries Authority**

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

Sec. 1. 26 MRSA §962, sub-§6, ¶G, as enacted by PL 1969, c. 578, §2, is amended to read:

G. Who is a temporary, seasonal or on-call employee: ; or

Sec. 2. 26 MRSA §962, sub-§6, ¶H is enacted to read:

H. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in work release or intensive supervision programs.

Sec. 3. 26 MRSA §979-A, sub-§6, ¶J, as enacted by PL 1981, c. 381, §3, is amended to read:

J. Who substantially participates in the formulation and effectuation of policy in a department or agency or has a major role, other than a typically supervisory role, in the administration of a collective bargaining agreement in a department or agency: ; or

Sec. 4. 26 MRSA §979-A, sub-§6, ¶K is enacted to read:

K. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in work release or intensive supervision programs.

Sec. 5. 34-A MRSA §1211, sub-§3, ¶¶A and B, as enacted by PL 1989, c. 416, are amended to read:

A. Two sheriffs, to be appointed by the commissioner, one from a list of 3 nominated by a statewide

sheriffs' association and one from ~~the~~ a county that has been certified by the United States Department of Justice under the provisions of the federal Private Sector Prison Industry Enhancement Certification Program or selected as a cost accounting center under that program; ~~and~~

B. One county commissioner, to be appointed by the commissioner from a list of 3 nominated by a statewide county commissioners' association; and

Sec. 6. 34-A MRSA §1211, sub-§3, ¶C is enacted to read:

C. The commissioner or the commissioner's designee.

Sec. 7. 34-A MRSA §1211, sub-§4, ¶¶B and C, as enacted by PL 1989, c. 416, are amended to read:

B. Determine whether a program shall be ~~designated~~ recommended as a cost accounting center for the purposes of the federal Private Sector Prison Industry Enhancement Certification Program, and determine whether to recommend revocation of any such designation previously approved shall be revoked. These recommendations must be made to the federal agency responsible for designating cost accounting centers, except when a recommendation is made regarding a cost accounting center within the Department of Corrections' certification, in which case, the recommendation must be made to the commissioner; and

C. ~~Monitor~~ Provide technical assistance to counties wishing to participate in the program and monitor all designated programs to ensure continuing compliance with the rules promulgated by the United States Department of Justice under the provisions of the federal Private Sector Prison Industry Enhancement Certification Program.

Sec. 8. 34-A MRSA §1211, sub-§6, as enacted by PL 1989, c. 416, is amended to read:

6. **Enterprise fund.** Participating counties shall establish a separate account for the operation of the program. This account shall be operated as an enterprise fund, with continuing authority to receive income and pay expenses associated with the program. All funds remaining in such accounts shall not lapse at the end of the fiscal year, but shall be carried over to the next year. Mandatory contributions to the Crime Victim Assistance Program shall be made from these accounts and transferred to the control of the Department of Human Services to be used exclusively for the Crime Victim Assistance Program.

Sec. 9. 34-A MRSA §1211, sub-§7 is enacted to read:

7. Participation under the Department of Corrections' certification. A county may request to have its jail industry included within the Department of Corrections'

certification under the federal Private Sector Prison Industry Enhancement Certification Program. The authority's board of directors, upon receipt of a request, may recommend to the commissioner that the jail industry for that county be designated as a separate cost accounting center within the Department of Corrections' certification. The commissioner may provide technical assistance to counties that make requests under this subsection and may charge the counties a fee for the assistance.

**Sec. 10. 39 MRSA §2, sub-§5, ¶E**, as repealed and replaced by PL 1987, c. 654, §1, is amended to read:

E. The term "employee" does not include any person who is a sentenced prisoner in actual execution of a term of incarceration imposed in this State or any other jurisdiction for a criminal offense, except in relation to compensable injuries suffered by the prisoner during incarceration and while the prisoner is:

(1) A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of the county jail;

(2) Employed by a private employer;

(3) Participating in a work release program; ~~or~~

(4) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261- ; or

(5) Employed in a program established under a certification issued by the United States Department of Justice under the United States Code, Title 18, Section 1761.

**Sec. 11. 39 MRSA §102-A, sub-§1, ¶¶B and C**, as enacted by PL 1987, c. 654, §2, are amended to read:

B. Participating in a work release program; ~~or~~

C. Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261- ; or

**Sec. 12. 39 MRSA §102-A, sub-§1, ¶D** is enacted to read:

D. Employed in a program established under a certification issued by the United States Department of Justice under the United States Code, Title 18, Section 1761.

**Sec. 13. Application.** This Act shall apply only to injuries that occur after the effective date of this Act.

See title page for effective date.

## CHAPTER 655

S.P. 792 - L.D. 2043

### An Act to Prevent Burdensome Collection Practices when Collecting Consumer Debts

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

**14 MRSA §3121-A, sub-§1, ¶D**, as enacted by PL 1987, c. 184, §4, is amended to read:

D. Any proceeding under this chapter may be commenced in the division where the judgment creditor, if an individual, resides or, if not an individual, has a place of business, except that a consumer debt proceeding must be commenced, at the option of the creditor, in the division where the consumer transaction occurred or where the judgment debtor resides. Consumer debts are limited to debts arising from purchases that are primarily for personal, family or household purposes.

See title page for effective date.

## CHAPTER 656

H.P. 1407 - L.D. 1955

### An Act to Regulate the Dumping of Dredged Materials in Maine Waters

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

**Whereas**, the unregulated disposal of dredged materials may occur before the expiration of the 90-day period; and

**Whereas**, without the protections provided by this legislation, the disposal of dredged materials may cause severe environmental damage; 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:**

**Sec. 1. 38 MRSA §413, sub-§2-C**, as enacted by PL 1983, c. 566, §17, is amended to read:

**2-C. Dredge spoils.** Holders of a permit obtained pursuant to the United States Clean Water Act, Public Law 92-500, Section 404, are exempt from the need to obtain a waste discharge license for disposal of dredged