

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

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

4. Duties. The board has the following duties.

A. The board shall advise the department on the implementation of the rights of children in need of services from the department.

B. The board shall monitor the implementation of rules defining the rights of children in need of services and make recommendations to the department about improving the content and implementation of the rules.

C. The board shall submit a yearly report for the commissioner and the joint standing committee of the Legislature having jurisdiction over human resource matters regarding the implementation of the rights of children in need of services.

5. Access. Board members have access to all living areas and program areas and to all records directly relevant to monitoring the implementation of the rules, provided that the access is in conformity with the laws regarding confidentiality of mental health information.

6. Expenses. The members of the board must be reimbursed for their expenses as authorized in Title 5, chapter 379.

See title page for effective date.

CHAPTER 689

H.P. 1519 - L.D. 2104

An Act Concerning Operation of All-terrain Vehicles

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

12 MRSA §7857, sub-§18, as enacted by PL 1983, c. 297, §§1 and 3, is repealed and the following enacted in its place:

18. Unlawfully operating an ATV on railroad tracks. Except as provided in subsection 24, paragraph E-2, a person is guilty of unlawfully operating an ATV on railroad tracks if that person:

A. Operates any ATV along or adjacent and parallel to the tracks of any railroad within the limits of any railroad right-of-way without written permission from the railroad owning the right-of-way; or

B. Operates any ATV across the tracks of any railroad after having been forbidden to do so by the railroad owning the railroad right-of-way, or by an agent of that railroad, either personally or by appropriate notices posted conspicuously along the railroad right-of-way.

See title page for effective date.

CHAPTER 690

H.P. 1492 - L.D. 2065

An Act Concerning Warranty Rights of Mobile Home Owners

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

Sec. 1. 10 MRSA §9009, sub-§3 is enacted to read:

3. Injunction on sales. The board shall investigate all complaints made to it of noncompliance with or violation of chapter 213. If the board finds that a manufacturer or dealer has sold, or is making available for sale, mobile homes that pose a threat to public health or safety or has intentionally failed to comply with chapter 213, the board may petition the Attorney General to initiate legal action in Superior Court to enjoin the sale of mobile homes by that manufacturer or dealer. If the court finds that the manufacturer or dealer sold, or is making available for sale, mobile homes that pose a threat to public health or safety or has intentionally failed to comply with chapter 213, the court may enjoin the sale of mobile homes by that manufacturer or dealer.

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

1990-91

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Manufactured Housing Board

Positions	(1)
Personal Services	\$23,375
All Other	1,650
Capital Expenditures	10,000

Provides funds for a full-time inspector to investigate complaints.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATIONS

TOTAL \$35,025

See title page for effective date.

CHAPTER 691

H.P. 1471 - L.D. 2056

An Act to Limit the Effect of Collateral Estoppel on Unemployment Insurance Decisions

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

26 MRSA §1194, sub-§12 is enacted to read:

12. Collateral estoppel. Except for proceedings under this chapter, no finding of fact or conclusion of law contained in a decision of a deputy, an administrative hearing officer, the Unemployment Insurance Commission or a court, obtained under this chapter, has preclusive effect in any other action or proceeding.

This provision applies to decisions issued on or after the effective date of this subsection.

See title page for effective date.

CHAPTER 692

H.P. 1470 - L.D. 2055

An Act to Increase Awareness of Fetal Alcohol Syndrome and the Effects of Alcohol and Drugs on Fetuses

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

19 MRSA §62, sub-§1-A is enacted to read:

1-A. Informational brochure. No marriage license may be issued until a brochure prepared by the Department of Mental Health and Mental Retardation concerning the effects of alcohol and drugs on fetuses has been given to both parties. The department is responsible for making the brochures available to town and city clerks for distribution.

See title page for effective date.

CHAPTER 693

S.P. 771 - L.D. 1996

An Act to Make Certain Housekeeping Changes to Various Punishment Sections of the Maine Criminal Code

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

Sec. 1. 17-A MRSA §1203, sub-§1, as repealed and replaced by PL 1985, c. 821, §6, is amended to read:

1. The court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be served and the remainder of which shall be suspended. As to both the ~~initial unsuspended portion and the suspended portion relative to a Class A, Class B or Class C crime, the sentence of the court shall specify the place of imprisonment if that place is to be a county jail, otherwise the court shall commit the person to the Department of Corrections; and unsuspended portions of the sentence, the place of imprisonment must be as follows.~~

A. For a Class D or Class E crime the court must specify a county jail as the place of imprisonment.

B. For a Class A, Class B or Class C crime the court must:

(1) Specify a county jail as the place of imprisonment for any portion of the sentence that is 9 months or less; and

(2) Commit the person to the Department of Corrections for any portion of the sentence that is more than 9 months.

~~Beginning April 1, 1987, if any portion of a split sentence is specified by the court to be 6 months or less, the court shall specify the place of imprisonment to be a county jail as to that portion. Beginning January 1, 1989, if any portion of a split sentence is specified by the court to be 9 months or less, the court shall specify the place of imprisonment to be a county jail as to that portion. In the case of a Class D or Class E crime, the court shall, after the effective date of this paragraph, specify the place of imprisonment to be a county jail with respect to each portion of the split sentence.~~

The period of probation ~~shall commence~~ commences on the date the person is released from ~~his~~ the initial unsuspended portion of the term of imprisonment, unless the court orders ~~that it shall~~ to commence on an earlier date. If the period of probation ~~is to commence~~ commences upon release of the person from the initial unsuspended portion of the term of imprisonment, the court may ~~nonetheless~~ revoke probation for any criminal conduct committed during that initial period of imprisonment.

Sec. 2. 17-A MRSA §1204, sub-§2-A, ¶I, as enacted by PL 1975, c. 740, §110-A, is amended to read:

I. To refrain from drug abuse and use or excessive use of alcohol;

Sec. 3. 17-A MRSA §1204, sub-§2-A, ¶K, as repealed and replaced by PL 1977, c. 53, §4, is repealed and the following enacted in its place:

K. To pay any monetary penalty imposed by the court as part of the sentence;

Sec. 4. 17-A MRSA §1206, sub-§9 is enacted to read:

9. Whenever a previously suspended sentence of imprisonment for a Class A, Class B or Class C crime is vacated, in whole or in part, as the result of a probation revocation, the court must respecify the place of imprisonment for both the portion required to be served and any remaining suspended portion, if necessary, to carry out the intent of section 1203, subsection 1.

Sec. 5. 17-A MRSA §1252, sub-§1, as repealed and replaced by PL 1985, c. 821, §7, is amended to read: