

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

of charges and expenses to the parties and to the board. Each party shall pay the arbitrator directly.

Sec. 3. 13 MRSA §1958-B, sub-§5-A is enacted to read:

5-A. Criteria for arbitrator decisions. The arbitrator shall consider the following factors in making a decision pursuant to subsection 5:

A. Prices or projected prices for the agricultural commodity paid by competing handlers in the market area or competing market areas;

B. The quantity of the commodity produced or projections of production in the production area or competing market areas;

C. The relationship between the quantity produced and the quantity handled by the handler;

D. The producer's costs of production including the cost that would be involved in paying farm labor a fair wage rate;

E. The average consumer prices for goods and services, commonly known as the cost of living;

F. The impact of the award on the competitive position of the handler in the market area or competing market areas;

G. The impact of the award on the competitive position of the agricultural commodity in relationship to competing commodities;

H. A fair return on investment;

I. The kind, quality or grade of the commodity involved;

J. Prior agreements of the parties; and

K. Other factors which are normally or traditionally taken into consideration in determining prices, quality, quantity and the costs of other services involved.

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

Effective March 23, 1990.

CHAPTER 704

H.P. 1654 - L.D. 2290

An Act to Aid in the Enforcement of Crimes Relating to Forest Fire Control

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

Whereas, enforcement is critical to the role of the Department of Conservation in minimizing forest fires and protecting the natural resources of the State; and

Whereas, since many violations of forest fire laws occur in remote areas, the most efficient means of handling these violations is through personal recognizance bonds; and

Whereas, the ability of fire control officers to use this mechanism was repealed last year and if re-enacted will not be in effect until well into the forest fire season; 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. 12 MRSA §9706, 3rd ¶, as enacted by PL 1979, c. 545, §3, is repealed.

Sec. 2. 12 MRSA §9707 is enacted to read:

§9707. Acceptance of personal recognizance with deposit

A forest ranger may accept recognizances in accordance with the following procedures:

1. Acceptance. A forest ranger making an arrest for any crime defined in this chapter at a point more than 50 miles distant from the nearest District Court may accept the personal recognizance of the arrested person in an amount not to exceed \$500 for the arrested person's appearance before the nearest District Court on a specified date and a deposit in money to the amount of that recognizance;

2. Report. The forest ranger shall report any personal recognizance with deposit accepted and forward that deposit to the District Court to which the recognizance is returnable; and

3. Forfeiture of deposit. If the person on bail fails to appear in the court on the day specified, either in person or by counsel, the court shall order the recognizance and money deposit forfeited and may take any other action necessary. Forfeited money collected by the court must be paid to the General Fund.

Sec. 3. 15 MRSA §1025, first ¶, as enacted by PL 1987, c. 758, §20, is amended to read:

A law enforcement officer may, without fee, take the personal recognizance of any defendant for appearance on a charge of a Class D or Class E crime. If authorized, a law enforcement officer may, without fee,

take the personal recognizance with deposit in accordance with Title 12, section 7053, subsection 2, paragraph C and Title 12, section 9707.

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

Effective March 23, 1990.

CHAPTER 705

S.P. 842 - L.D. 2161

An Act Concerning the Driving of Deer or Moose

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

Sec. 1. 12 MRSA §7001, sub-§6, as amended by PL 1987, c. 696, §1, is further amended to read:

6. Drive deer or moose. To "drive deer or moose" means an organized or planned effort to intentionally pursue, drive, chase or otherwise frighten or cause a deer or moose to move in the direction of any person or persons who are part of the organized or planned hunt and known to be waiting for the deer or moose.

Sec. 2. 12 MRSA §7458, sub-§10, as enacted by PL 1979, c. 420, §1, is amended to read:

10. Driving deer. A person is guilty of driving deer if ~~he~~ that person participates in a ~~joint~~ hunt for deer, during which an organized or planned effort is made to drive deer.

Sec. 3. 12 MRSA §7464, sub-§8-B, as enacted by PL 1987, c. 696, §14, is amended to read:

8-B. Driving moose. A person is guilty of driving moose if that person participates in a ~~joint~~ hunt for moose during which an organized or planned effort is made to drive moose.

See title page for effective date.

CHAPTER 706

H.P. 1453 - L.D. 2027

An Act Concerning Trafficking in Prison Contraband

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

Sec. 1. 17-A MRSA §756, sub-§2, as amended by PL 1975, c. 740, §84, is further amended to read:

2. As used in this section, "contraband" means a dangerous weapon, any tool or other thing that may be used to facilitate a violation of section 755, or any other thing ~~which~~ that a person confined in official custody is prohibited by statute ~~or regulation~~ from making or possessing.

Sec. 2. 17-A MRSA §757, sub-§1, ¶A, as enacted by PL 1975, c. 499, §1, is amended to read:

~~A. -He~~ That person intentionally conveys or attempts to convey contraband to any person in official custody; or

See title page for effective date.

CHAPTER 707

H.P. 1507 - L.D. 2087

An Act to Authorize Discretion in the Use of Sirens on Ambulance Vehicles

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

Sec. 1. 29 MRSA §946, as amended by PL 1989, c. 32, §1, is further amended to read:

§946. Right-of-way; police, fire and corrections vehicles

Police, fire department; and forest fire control vehicles ~~and ambulance vehicles~~, when operated in response to calls, or when a police officer is in pursuit of a motor vehicle operator for which the police officer has probable cause to believe that the operator has committed or is in the process of committing a violation of law, and vehicles of the Department of Corrections making use of a blue light and a siren shall have the right-of-way. On the approach of any such vehicle, from any direction, and when such vehicle is sounding a siren and emitting a flashing light, the driver of every other vehicle shall immediately draw that driver's vehicle as near as practicable to the right-hand curb and parallel thereto, clear of any intersection, and bring it to a standstill until ~~such public service vehicles have~~ the police, fire or corrections vehicle has passed.

Sec. 2. 29 MRSA §946-A, sub-§3, as amended by PL 1987, c. 644, §5, is repealed and the following enacted in its place:

3. Flashing lights. The privileges granted in this section to an authorized emergency vehicle apply only when that vehicle is making use of the flashing emergency lights authorized in section 1367-B as follows:

A. Blue lights on police vehicles or vehicles of the Department of Corrections; or

B. Red lights on ambulances, fire department vehicles or forest fire control vehicles.