

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 MRSA §807, as amended by PL 1989, c. 104, Pt. C, §§2 and 10 and c. 265, §1, is repealed and the following enacted in its place:

§807. Unauthorized practice of law

1. Prohibition. No person may practice law or profess to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless that person has been admitted to the bar of this State and has complied with section 806-A, or unless that person has been admitted to try cases in the courts of this State under section 802.

2. Violation. Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime.

3. Application. This section shall not be construed to apply to:

A. Practice before any Federal Court by any person admitted to practice therein;

B. A person pleading or managing that person's own cause in court;

C. An officer or authorized employee of a corporation, partnership, sole proprietorship or governmental entity, who is not an attorney, but is appearing for that organization:

(1) In an action cognizable as a small claim under Title 14, chapter 738; or

(2) For the purposes of entering a plea or answer and paying the fine or penalty for a violation by that organization of Title 23, chapter 24 or Title 29;

D. A person who is not an attorney, but is representing a municipality under:

(1) Title 30-A, section 2671, subsection 3;

(2) Title 30-A, section 4221, subsection 2;

(3) Title 30-A, section 4452, subsection 1; or

(4) Title 38, section 441, subsection 2;

E. A person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7;

F. A person who is not an attorney, but is representing the Bureau of Employment Security or the Bureau of Taxation under section 807-A;

G. A person who is not an attorney, but is representing a party in any hearing, action or proceeding

before the Workers' Compensation Commission as provided in Title 39, section 110-A; or

H. A person who is not an attorney, but has been designated under Title 34-B, section 1204, subsection 7, to represent the Department of Mental Health and Mental Retardation in Probate Court.

4. Evidence. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that that person is not a member of the bar licensed to practice law in the State.

Notwithstanding any of the other provisions of this chapter and under such terms, conditions, limitations, qualifications and supervision as the Supreme Judicial Court shall by rule require, a senior law student who is enrolled in a law school which is approved by the American Bar Association, may appear in the courts of the State on behalf of the State or an agency thereof, or under the supervision of an organization providing legal services to the indigent approved by the Supreme Judicial Court on behalf of an individual receiving services through such organization.

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

Effective March 30, 1990.

CHAPTER 756

H.P. 1437 - L.D. 2007

An Act to Strengthen and Fund Organic Food Certification in Maine

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

Sec. 1. 7 MRSA §553, sub-§1, ¶A, as amended by PL 1985, c. 329, §2, is further amended to read:

A. A raw agricultural commodity. Microbiological products, botanical pesticides and materials ~~consisting~~ whose active ingredients consist only of, or are derived or extracted solely from, plant, animal or mineral-bearing rock substances may be used in the production, storing, processing or packaging of raw agricultural commodities in order to meet the requirements of this paragraph. For the purposes of this subsection, "synthetically compounded" means those products formulated by a process which chemically changes a material or substance extracted from naturally occurring plant, animal or mineral sources, excepting microbiological processes. Microbiological products shall include, but are not limited to, raw manures, composted manures and inoculants and shall exclude chemically contaminated and uncomposted sludge.

Botanical products shall include, but are not limited to, rotenone, ryania, pyrethrum, ground tobacco stems and leaves and other pesticides of plant origin;

Sec. 2. 7 MRSA §553, sub-§1, ¶D, as enacted by PL 1979, c. 240, §1, is amended to read:

D. Meat, poultry or fish produced without the use of any chemical or drug to stimulate or regulate growth or tenderness and without any drug or antibiotic administered or introduced to the animal by injection or ingestion, except internal parasiticides for severe infection that cannot be treated another way, provided the withdrawal period is doubled, or unless prescribed by a veterinarian or extension specialist for treatment of a specific disease or malady and in no event administered or introduced within 90 days of the slaughter of the animal; at least the final 60% of the sale weight of each animal, bird or fish must have been raised on feed which is a raw agricultural commodity which complies with the requirements of paragraph A; or

See title page for effective date.

CHAPTER 757

S.P. 760 - L.D. 1985

An Act to Allow the State Police to Recover Funds Expended for Presidential Security

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

25 MRSA §1502, as amended by PL 1985, c. 403, Pt. A, §1, is further amended to read:

§1502. Powers and duties; cooperation of others

The specific powers and duties of the State Police shall be to patrol the state highways and other important ways, especially outside the compact portion of cities and towns, for the purpose of enforcing the law, and all laws relating to ~~motor driven~~ motor-driven and ~~horse drawn~~ horse-drawn vehicles and all rules and regulations in regard thereto, and of arresting all violators thereof and prosecuting all offenders against the same. The State Police shall aid the Department of Transportation in the enforcement of its rules and orders and permit regulations. In addition to ~~such~~ these duties and powers, the Chief and members of the State Police are vested with the same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal processes, to investigate and prosecute violators of any law of this State and to arrest the offenders thereof, and the same power and duty as sheriffs have to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a legal warrant can be obtained. As arresting officers, or aids, or witnesses in any criminal case, they

shall be limited to the same fees as complainants under Title 15, section 1363. ~~Such fees~~ Fees shall be taxed on a bill of costs and shall be paid promptly each month to the Treasurer of State and credited to the General Highway Fund. They shall have the same rights as sheriffs to require aid in executing the duties of their office. They may serve any subpoenas, notices and processes issued by the Secretary of State or the Department of Transportation under authority of law. They shall at all times be subject to the call of the Governor for emergency purposes at ~~his~~ the Governor's discretion.

The State Police, sheriffs and deputy sheriffs, constables, city marshals, deputy marshals and police officers of cities and towns shall, so far as possible, cooperate in the detection of crime, the arrest and prosecution of criminals and the preservation of law and order throughout the State.

The State Police may provide patrol services to the Maine Turnpike. The Chief of the State Police may charge the Maine Turnpike Authority for these services. Revenues received are allocated for the purpose of funding the cost of patrolling the Maine Turnpike.

The State Police may provide assistance to federal agencies for presidential security. The Chief of the State Police may charge the various federal agencies for these services. Revenues received from these agencies shall be allocated for the purpose of funding the cost of providing the services.

Municipal and county jails shall at all times be available for detention of persons arrested by state or any other law enforcement officers. In those municipalities where full-time supervision of the jail is not provided by the municipality, full responsibility for the safekeeping and welfare of ~~such~~ any person detained shall rest solely with ~~such~~ the arresting officer. Expense of any municipality or any damage to the jail resulting from the use of its jail by ~~such officers~~ any arresting officer shall be reimbursed to the municipality by the law enforcement agency for which the arresting officer is acting.

County commissioners of all the several counties are authorized to provide and pay for liability insurance protection for the keeper of the county jail.

See title page for effective date.

CHAPTER 758

H.P. 1423 - L.D. 1975

An Act to Protect Consumers Against Unsolicited Telefacsimile Transmissions

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

10 MRSA c. 223 is enacted to read: