

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

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:

CHAPTER 223

TELEFACSIMILE TRANSMISSIONS

§1496. Unsolicited telefacsimile transmissions prohibited

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

A. "Telefacsimile" means any process in which electronic signals are transmitted by means of a telephone system for immediate direct printing as images or written text, excluding telecommunication signals transmitted by devices for the deaf, hearing impaired or speech impaired.

2. Prohibition. No person may initiate:

A. The unsolicited transmission of a telefacsimile message:

- (1)** Seeking charitable contributions; or
- (2)** Promoting real property, goods or services for purchase or rent by the recipient of such a message.

3. Exception. Subsection 2, paragraph A, does not apply if the person initiating the transmission and the recipient have a contractual or business relationship and no request to cease any such transmission has been made by the recipient in writing or by telefacsimile message to the person initiating the transmission.

4. Penalty. Violation of this chapter is an unfair trade practice as prohibited by Title 5, section 207. Each complete telefacsimile transmission constitutes a separate violation.

See title page for effective date.

CHAPTER 759

S.P. 695 - L.D. 1833

An Act Relating to the Child and Family Services and Child Protection Act

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

22 MRSA §4041, sub-§2, ¶A, as amended by PL 1985, c. 739, §15, is further amended to read:

A. The department may either decide to not commence or to discontinue rehabilitation and reunification efforts with either parent or the court may order that rehabilitation and reunification efforts need not commence or that the department has no further responsibilities for rehabilitation and reunification with either parent when:

- (1)** The parent is willing to consent to termination of his parental rights;
- (2)** The parent cannot be located;
- (3)** The parent is unwilling or unable to rehabilitate and reunify with the child within a time which is reasonably calculated to meet the child's needs;
- (4)** The parent has abandoned the child;
- (5)** The parent has acted toward a child in a manner which is heinous or abhorrent to society or has failed to protect a child in a manner which is heinous or abhorrent to society, without regard to the intent of the parent; or
- (6)** ~~If the~~ **The** victim of any of the following crimes was a child for whom the parent was responsible or the victim was a child who was a member of a household lived in or frequented by the parent and the parent has been convicted of:
 - (a)** Murder;
 - (b)** Felony murder;
 - (c)** Manslaughter;
 - (d)** Aiding or soliciting suicide;
 - (e)** Aggravated assault;
 - (f)** Rape;
 - (g)** Gross sexual misconduct;
 - (h)** Sexual abuse of minors;
 - (i)** Incest;
 - (j)** Kidnapping;
 - (k)** Promotion of prostitution; or
 - (l)** A comparable crime in another jurisdiction.

See title page for effective date.

CHAPTER 760

H.P. 1679 - L.D. 2320

An Act to Further Clarify the Relationship Between Woodcutters and Landowners

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