

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
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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

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

Whereas, changes in the wood measurement tally sheet should be instituted before the summer logging 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:

10 MRSA §2364-A, sub-§2, ¶G is enacted to read:

G. A person buying stumpage from a landowner shall provide a stumpage sheet or a copy of the measurement tally sheet to the landowner for every truckload sold. The sheet must include:

- (1) The name of the landowner;
- (2) The name of the contractor;
- (3) The name of the hauler;
- (4) A description of the product;
- (5) The date; and
- (6) The destination of the truckload.

This sheet must be provided to the landowner when the person buying the stumpage pays the landowner.

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

Effective March 30, 1990.

CHAPTER 761

H.P. 1666 - L.D. 2307

An Act to Provide Legislative Oversight of Transactions Dealing with State Held Lands and Property

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

20-A MRSA §12706, sub-§13, as enacted by PL 1985, c. 695, §11, is amended to read:

13. Property management. To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities.

If the board of trustees proposes to sell or permanently transfer any interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses shall be credited to a separate fund to be used for the purposes of this chapter;

See title page for effective date.

CHAPTER 762

S.P. 899 - L.D. 2289

An Act to Prohibit the Development of Spaghetti-lot Subdivisions

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

Whereas, spaghetti-lots do not serve the interests of the State and are often formed to circumvent review;

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 §682, sub-§13 is enacted to read:

13. Spaghetti-lot. "Spaghetti-lot" means a parcel of land with a lot depth to shore frontage ratio greater than 5 to 1. Shore frontage means land abutting a river, stream, brook, coastal wetland or great pond as these features are defined in Title 38, section 480-B.

Sec. 2. 12 MRSA §682-A is enacted to read:

§682-A. Spaghetti-lots prohibited

A person may not subdivide a parcel of land in the jurisdiction of the Maine Land Use Regulation Commission in such a way as to create a spaghetti-lot. This prohibition does not apply to:

1. Rights-of-way. Utility or transportation rights-of-way;

2. Government purchase. A parcel of land that is purchased by the Federal Government, State Government or local government; and

3. Public benefit. A parcel of land that the Maine Land Use Regulation Commission finds provides a significant public benefit and that can not be configured in another way to provide that benefit.