

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

basis. At least once each calendar year, the department shall inspect all licensed overboard discharges operated no more than 6 months of a calendar year. The department shall assess the costs of inspection as an annual license fee payable by the license holder based on the adjusted gross income of the license holder under the federal Internal Revenue Code of 1986, as amended, according to the following schedule:

A. For residential overboard discharges:

- (1) License holders with an adjusted gross income equal to or greater than \$30,000 annually - \$100;
- (2) License holders with an adjusted gross income equal to or greater than \$15,000 and less than \$30,000 annually - \$75;
- (3) License holders with an adjusted gross income equal to or greater than \$7,500 and less than \$15,000 annually - \$50; and
- (4) License holders with an adjusted gross income less than \$7,500 - no fee; and

B. For commercial overboard discharge license holders at all income levels - \$100.

See title page for effective date.

CHAPTER 808

S.P. 60 - L.D. 43

An Act Relating to the Maine Correctional Advisory Commission

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

Whereas, the Maine Correctional Policy Advisory Commission needs to begin its work immediately; 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. 5 MRSA §12004-I, sub-§4, as enacted by PL 1987, c. 786, §5, is amended to read:

4. Corrections	Maine Correc- tional Advisory Commission	\$25/Day Expenses and \$25/day for non- legislative members. Expenses and legislative per diem for legislative members.	34-A MRSA §1204 §1204-A
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Sec. 2. 34-A MRSA §1204, as amended by PL 1989, c. 503, Pt. B, §158, is repealed.

Sec. 3. 34-A MRSA §1204-A is enacted to read:

§1204-A. Maine Correctional Advisory Commission

The Maine Correctional Advisory Commission, as established by Title 5, section 12004-I, subsection 4, is within the department.

1. Composition. The commission consists of 14 members to be appointed as follows:

A. Two members of the House of Representatives appointed by the Speaker of the House of Representatives;

B. Two Senators appointed by the President of the Senate;

C. One member representing juvenile corrections appointed by the Governor;

D. One member representing law enforcement appointed by the Governor; and

E. Eight other members appointed by the Governor, including at least:

- (1) One full-time nonadministrative employee from the state correctional system;
- (2) One former inmate of the correctional system;
- (3) One person representing victims of crimes; and
- (4) Two members of the public.

The commission shall ask the Chief Justice of the Supreme Judicial Court to designate a judge from the District Court and a justice from the Superior Court, both of whom serve on the Maine Judicial Council, to act as advisors to the commission.

2. Chair. The Governor shall designate the chair of the commission.

3. Terms of appointment. The terms of appointments are as follows.

A. Of the initial gubernatorial appointments, 4 must be for terms of 3 years, 3 must be for terms of 2 years and 3 must be for terms of one year.

B. Subsequent gubernatorial appointments must be for terms of 3 years. Members may serve beyond their designated terms until their successors are appointed.

C. Terms of appointment for Legislators must be for the legislative term of office of the person appointed.

4. Expenses. Commission expenses are treated as follows.

A. Each member of the commission is entitled to compensation according to the provisions of Title 5, chapter 379.

B. The commission may receive public and private grants to aid in defraying the expenses of its operation.

C. The commission may employ a full-time correctional specialist, who shall serve at the pleasure of the commission, and such additional staff as necessary.

5. Meetings. The commission may meet as often as necessary. A meeting may be called by the chair or by any 4 members.

6. Duties. The commission shall:

A. Regularly advise the Governor, commissioner, the Legislature and the Judicial Department on issues concerning corrections policy;

B. Prepare a report, containing the results of its studies, findings and recommendations, which must be submitted to the Governor, commissioner and the joint standing committee of the Legislature having jurisdiction over corrections by December 31st of each year;

C. Advise the commissioner in assessing present programs, planning future programs and developing policies to meet the correctional needs of the State; and

D. Develop rules of procedure necessary to carry out its duties.

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

Effective April 10, 1990.

CHAPTER 809

H.P. 1745 - L.D. 2409

An Act to Promote the Awareness and Responsibility of Owners of Firearms

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

15 MRSA §455-A is enacted to read:

§455-A. Warning requirement upon sales of firearms

1. Posting of conspicuous warning. Any commercial retail sales outlet that sells firearms shall conspicuously post at each purchase counter where firearms may be purchased the following warning in block letters not less than one inch in height:

“ENDANGERING THE WELFARE OF A CHILD IS A CRIME. IF YOU LEAVE A FIREARM AND AMMUNITION WITHIN EASY ACCESS OF A CHILD, YOU MAY BE SUBJECT TO FINE, IMPRISONMENT OR BOTH.

KEEP FIREARMS AND AMMUNITION SEPARATE.

KEEP FIREARMS AND AMMUNITION LOCKED UP.

USE TRIGGER LOCKS.”

2. Violation. Any person who fails to post the warning in compliance with subsection 1, commits a civil violation for which a civil forfeiture of not more than \$200 may be adjudged.

See title page for effective date.

CHAPTER 810

H.P. 1709 - L.D. 2358

An Act to Amend the Laws Administered by the Maine Land Use Regulation Commission

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

Sec. 1. 12 MRSA §685-A, sub-§7, as amended by PL 1989, c. 624, is further amended to read:

7. Hearings and procedures. Within 45 days after the proposed land use district boundaries or standards are prepared or received by the commission, the commission shall hold a public hearing at a time and place convenient to persons affected by the proposal.