

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

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

Effective April 24, 1990, unless otherwise indicated.

CHAPTER 916

H.P. 1685 - L.D. 2333

An Act to Provide Greater Opportunities for Orphans and Foster Children

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

Sec. 1. 20-A MRSA §5802-A is enacted to read:

§5802-A. Pilot project for state wards

The Department of Education is authorized to designate one residential child care facility providing long-term care for 6 or more children who are in the custody of the Department of Human Services as a pilot project. In school year 1991-92, the Commissioner of Education shall pay to the school unit in which the designated facility is located the school unit's actual local per pupil education expenditure and approved transportation costs for each state ward at the facility. Expenditures for this pilot project may not exceed \$30,000.

Sec. 2. Assessment of implementation of this Act. The Department of Education and the Department of Human Services shall jointly assess the implementation of this Act and submit a written report on the results of their assessment to the Joint Standing Committee on Education by December 1, 1992. The departments shall also submit a copy of their report to the Office of the Executive Director of the Legislative Council. The report must include a summary of the number of students and facilities covered by this Act, the costs of providing educational services to state wards under this Act, an evaluation of the need for the type of facilities provided in this Act and any recommendations for future action.

See title page for effective date.

CHAPTER 917

H.P. 1737 - L.D. 2398

An Act Concerning the Carrying of Firearms and Firearms Safety Programs

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

Whereas, this Act makes a number of changes to the laws regarding the issuance of permits for concealed weapons; and

Whereas, these changes are designed to promote the safe exercise of the right of Maine citizens to bear arms; and

Whereas, emergency enactment of this legislation will discourage a marked increase in concealed weapon permits sought under the current law and thus avoid imposing on and overburdening the resources of local officials charged with issuing concealed weapon permits; 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. 15 MRSA §393, sub-§1, as amended by PL 1977, c. 564, §72, is further amended to read:

1. Possession prohibited. No person who has been convicted of any crime, under the laws of the United States, the State of Maine or any other state, ~~which~~ that is punishable by one year or more imprisonment or any other crime ~~which~~ that was committed with the use of a dangerous weapon or of a firearm against a person, except for a violation of Title 12, chapter 319, subchapter III, and no person who has been adjudicated in the State or adjudicated under the law of the United States or any other state jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection, shall may own, have in his that person's possession or under his that person's control any firearm, unless such a person has obtained a permit under this section. For the purposes of this subsection, a person shall-be is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 2. 17-A MRSA §1057 is enacted to read:

§1057. Possession of firearms in an establishment licensed for on-premises consumption of liquor

1. A person is guilty of criminal possession of a firearm if:

A. Not being a law enforcement officer or a private investigator licensed under Title 32, chapter 89 and actually performing as a private investigator, the person possesses any firearm on the premises of a licensed establishment posted to prohibit or restrict the possession of firearms in a manner reasonably likely to come to the attention of patrons, in violation of the posted prohibition or restriction; or

B. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or