

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 FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Effective June 7, 1991.

CHAPTER 258

H.P. 878 - L.D. 1269

An Act to Notify the Probation Officer and the Probationer When a Motion Is Filed to Terminate Probation at a Time Earlier Than That Provided for in the Sentence

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

17-A MRSA §1202, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. On application of the probation officer, or of the person on probation, or on its own motion, the court may terminate a period of probation and discharge the convicted person at any time earlier than that provided in the sentence made pursuant to subsection 1, if warranted by the conduct of such person. A termination and discharge may not be ordered upon the motion of the person on probation unless notice of the motion is given to the probation officer by the person on probation. Such termination and discharge shall serve to relieve the person on probation of any obligations imposed by the sentence of probation.

See title page for effective date.

CHAPTER 259

H.P. 1053 - L.D. 1542

An Act to Correct Certain Errors and Inconsistencies in the Maine Revised Statutes, Title 17-A

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

Sec. 1. 17-A MRSA §1253, sub-§4, as repealed and replaced by PL 1983, c. 456, §6, is amended to read:

4. Up to an additional 3 days per month may be deducted in the case of those inmates committed to the ~~Maine State Prison, the Maine Correctional Center or assigned elsewhere~~ by the Department of Corrections, who are assigned work and responsibilities within the institution or program ~~which that~~ are deemed to be of sufficient importance to warrant those deductions by the institution head in accordance with policy and guidelines established by the Department of Corrections.

Sec. 2. 17-A MRSA §1253, sub-§5, as repealed and replaced by PL 1983, c. 456, §7, is amended to read:

5. In addition to the provisions contained in subsection 4, up to 2 days per month may also be deducted in the case of those inmates assigned to and participating in minimum security community programs administered by the Department of Corrections ~~outside the Maine State Prison or the Maine Correctional Center~~. These deductions may also apply in the case of those inmates assigned to or participating in minimum security community programs through agencies providing services to the Department of Corrections. These deductions may be authorized for work and responsibilities to include public restitution ~~which that~~ are deemed to be of sufficient importance to warrant those deductions by the institution head in accordance with the Department of Corrections policy and guidelines.

See title page for effective date.

CHAPTER 260

H.P. 897 - L.D. 1294

An Act to Improve the Smoke Detector Laws

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

25 MRSA §2464, sub-§7 is enacted to read:

7. Noninterference. A person may not knowingly interfere with or make inoperative any smoke detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the detector or make it inactive. The detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

See title page for effective date.

CHAPTER 261

H.P. 829 - L.D. 1195

An Act Concerning Credit Card Surcharges

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

10 MRSA c. 202-B is enacted to read:

CHAPTER 202-B**PROHIBITED CREDIT CARD PRACTICES INVOLVING PROVIDERS OF TRAVEL SERVICES****§1141. Definitions**

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

1. Credit card. “Credit card” has the same meaning as “accepted credit card,” as defined in Title 9-A, section 8-103, subsection 1, paragraph A.

2. Credit card issuer. “Credit card issuer” has the same meaning as “card issuer,” as defined in Title 9-A, section 8-103, subsection 1, paragraph D.

3. Provider of travel services. “Provider of travel services” means a person, firm or corporation engaged in the business of furnishing travel, transportation or vacation services.

4. Travel agent. “Travel agent” means a person, firm, corporation, partnership or association, other than a common carrier as defined in Title 12, section 6001, subsection 8 or employee of a common carrier, that:

A. Is an officially appointed agent of a common carrier or is a member of a cruise lines association who operates exclusively as an agent for cruise lines in the sale of cruise travel products or services; and

B. As a legal agent for a provider of travel services:

(1) Sells or offers for sale travel, transportation or vacation arrangements;

(2) Negotiates for travel, transportation or vacation services; or

(3) Professes to be by solicitation, advertisement or other means a seller, contractor or arranger for travel, transportation or vacation services.

§1142. Prohibited practice

When a travel agent furnishes travel services to a consumer and the consumer uses a credit card to obtain credit in the transaction, the provider of travel services for which the travel agent is an agent may not as the result of the use of the credit card impose a surcharge on or reduce commissions paid to the travel agent. This prohibition does not apply if the provider of travel services is the issuer of the credit card used in the transaction.

§1143. Remedies

Any person injured as a result of a violation of section 1142 may seek damages and an injunction in a civil action. Any person likely to be injured by a violation of section 1142 may seek an injunction in a civil action. The court may award reasonable attorney’s fees to the plaintiff.

See title page for effective date.

CHAPTER 262**H.P. 893 - L.D. 1290****An Act to Restore Criminal Sanctions for Failure to Obey Lawful Orders of Harbormasters**

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

Sec. 1. 38 MRSA §12, as repealed and replaced by PL 1989, c. 287, §5, is amended to read:

§12. Violation of subchapter

Notwithstanding any provision in this subchapter Except as provided in section 13, a violation of this subchapter or any harbor ordinance may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A, section 4452.

Sec. 2. 38 MRSA §13 is enacted to read:

§13. Failure to obey orders of harbormasters

1. Offense defined. A person is guilty of failure to obey an order of a harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a harbormaster authorized pursuant to this subchapter.

2. Penalty. Failure to obey an order of a harbormaster is a Class E crime.

See title page for effective date.

CHAPTER 263**S.P. 357 - L.D. 959****An Act to Exempt Certain Persons from the Counselors Licensure Laws**

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

Sec. 1. 3 MRSA §927, sub-§11, ¶B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read: