

MAINE STATE LEGISLATURE

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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,
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J.S. McCarthy Company
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PUBLIC LAWS

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has been made or action filed, then the Treasurer of State, upon request by the bureau, shall pay the funds deposited, including any interest accrued, to the owner as defined in this subsection.

B. If one or more claims have been made or an action filed prior to the expiration of the 2-year period for filing a claim for damages, then the owner as defined in this subsection must be made a party to those claims and the Treasurer of State shall distribute the deposited funds, including any interest accrued, in accordance with the final order entered in such proceedings, including any appeals.

As a result of the difficulty of determining the identities and addresses of the possible holders of reversionary or servient rights or other conflicting claims, personal notice to those holders and their mortgagees is deemed given if the bureau mails a notice of the acquisition, including a description of its effect of extinguishing those rights, first class postage prepaid, to each person shown in the real estate tax records of the municipality in which the property lies as the apparent owner of land abutting the property taken. Notice must be posted in the municipal office building, if any, for that municipality and must be published once in a newspaper of general circulation in the county in which the property lies.

See title page for effective date.

CHAPTER 355

H.P. 454 - L.D. 644

An Act to Require Convicted Felons to Contribute to the Cost of Rehabilitation Programs

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

Sec. 1. 17-A MRSA §1301, sub-§1-A, as enacted by PL 1989, c. 872, §4, is amended to read:

1-A. A natural person who has been convicted of a Class A, Class B, Class C, Class D or Class E crime may be sentenced to pay a fine, unless the ~~statute~~ law that the person is convicted of violating expressly provides that the fine and imprisonment penalties it authorizes may not be suspended, in which case the convicted person must be sentenced to the imprisonment and required to pay the fine authorized in that ~~statute~~ law. Subject to these sentences and to section 1302, the fine may not exceed:

- A. ~~\$25,000~~ \$50,000 for a Class A crime;
- B. ~~\$10,000~~ \$20,000 for a Class B crime;
- C. ~~\$2,500~~ \$5,000 for a Class C crime;

D. ~~\$1,000~~ \$2,000 for a Class D crime;

E. ~~\$500~~ \$1,000 for a Class E crime; and

F. Regardless of the classification of the crime, any higher amount that does not exceed twice the pecuniary gain derived from the crime by the defendant.

Sec. 2. 17-A MRSA §1301, sub-§3, as repealed and replaced by PL 1981, c. 317, §27, is amended to read:

3. If the defendant convicted of a crime is an organization and the ~~statute which it law that the organization is convicted of violating expressly provides that the fine it authorizes may not be suspended, the organization shall must be sentenced to pay the fine authorized therein in that law.~~ Otherwise, the maximum allowable fine ~~which that~~ such a defendant may be sentenced to pay ~~shall be~~ is:

A. Any amount for murder;

B. ~~\$50,000~~ \$100,000 for a Class A crime;

C. ~~\$20,000~~ \$40,000 for a Class B crime;

D. ~~\$10,000~~ \$20,000 for a Class C crime;

E. ~~\$5,000~~ \$10,000 for a Class D crime or a Class E crime; and

F. Any higher amount ~~which that~~ does not exceed twice the pecuniary gain derived from the crime by the convicted organization.

Sec. 3. 34-A MRSA §1402, sub-§10 is enacted to read:

10. Rehabilitation programs. Within the limits of available resources, the commissioner shall establish and maintain programs, inside and outside of correctional facilities, that provide rehabilitation services and opportunities for clients.

See title page for effective date.

CHAPTER 356

H.P. 1229 - L.D. 1793

An Act to Ensure Notification of Guardians Ad Litem of Changes in Foster Care Placement of Children

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

22 MRSA §4041, sub-§3, as enacted by PL 1991, c. 161, is amended to read:

3. Notice to guardian ad litem. The department shall notify the guardian ad litem, as described in section 4005, of any substantial change in circumstances that may have an impact on the best interests of the child. A substantial change in circumstances includes but is not limited to any change in the child's residence.

See title page for effective date.

CHAPTER 357

H.P. 755 - L.D. 1089

An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes

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

Whereas, this legislation must be enacted as an emergency measure in order that scientific research necessary for the implementation of a fisheries management program for Indian territorial waters may begin; 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:

12 MRSA §7774 is enacted to read:

§7774. Penobscot Nation research

Under the direction of its director, the staff of the Department of Natural Resources of the Penobscot Nation may use gill nets for the purpose of scientific fisheries research and management on any waters within, flowing through or adjacent to Penobscot Indian territory as defined in Title 30, section 6205, subsection 2. The authority granted under this section is subject to the following constraints.

1. Gill nets. Both ends of the gill net must be marked with buoys that are clearly visible from a distance of 300 feet and that identify the Department of Natural Resources of the Penobscot Nation as the owner of the net.

2. Results. The results of each netting must be forwarded on a weekly basis to the office of the Commissioner of Inland Fisheries and Wildlife where the results are available for public inspection.

3. Prohibited acts. Any person who fails to comply with any provision of this section commits a prohibited act punishable as provided in chapter 721.

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

Effective June 18, 1991.

CHAPTER 358

H.P. 1121 - L.D. 1646

An Act Regarding Cable Television

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

30-A MRSA §3010, sub-§6-A is enacted to read:

6-A. Subscriber privacy. A cable television system operator may not intrude upon the privacy of a subscriber by installing or using any equipment that allows the system operator to observe or to listen to what is occurring in an individual subscriber's household without express, prior written consent of the subscriber.

See title page for effective date.

CHAPTER 359

S.P. 493 - L.D. 1331

An Act Regarding Sprinkler Systems in New Buildings

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

25 MRSA §2463, as amended by PL 1985, c. 183, is further amended to read:

§2463. Installation of sprinkler systems and smoke, heat or fire detection systems

All new hotels constructed after ~~September 23, 1971,~~ January 1, 1992 of any type construction, ~~other than fire resistive as defined in the current edition of National Fire Protection Association #220, Standard Types of Building Construction,~~ having 2 stories or more above grade level, ~~shall~~ must be protected by a complete approved automatic sprinkler system.

All high-rise buildings constructed after January 1, 1992 of any type construction must be protected by a complete approved automatic sprinkler system.