

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,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS

OF THE

STATE OF MAINE

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1991

2. Federal Government employees. Officers and employees of the Federal Government while engaged within this State in the practice of land surveying for the Federal Government; or

3. Interstate commerce corporation employees. An officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress entitled "An Act to Regulate Commerce" approved February 4, 1887, as amended, or in interstate communication as defined in the Act of Congress entitled "Communications Act of 1934" approved June 9, 1934, while working solely as an employee of that corporation, provided an officer or employee of that corporation customarily in responsible charge of the surveying work of that corporation within this State ~~shall be~~ is licensed under this chapter; or

Sec. 45. 32 MRSA §13912, sub-§4 is enacted to read:

4. Employees. All employees working under the responsible charge of a professional land surveyor.

Sec. 46. 38 MRSA §85-A, sub-§§1 and 2, as enacted by PL 1983, c. 758, §13, are amended to read:

1. Commissioner. "Commissioner" means the Commissioner of ~~Business, Occupational and Professional and Financial Regulation.~~

2. Department. "Department" means the Department of ~~Business, Occupational and Professional and Financial Regulation.~~

Sec. 47. 38 MRSA §92, as amended by PL 1983, c. 758, §17, is further amended to read:

§92. Duration and renewal of licenses

Licenses issued by the pilot commission ~~shall run for 5 years from date of issue~~ must be renewed every year on or before the expiration date established by the commissioner.

Sec. 48. 38 MRSA §93, as enacted by PL 1969, c. 410, §1, is amended to read:

§93. License fees

Every new application for a license to act as a pilot on these waters ~~shall must~~ be accompanied by a fee of \$75 ~~payable to the commission~~ an application fee of \$100. ~~Each application for the renewal of said license shall be accompanied by a fee of \$50 payable to the commission.~~ Original and annual renewal license fees are \$10. Licenses may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the licensing renewal date is subject to all requirements governing new applicants under this chapter.

A holder of a license on the effective date of this paragraph is not required to renew that license until its expiration.

Sec. 49. 38 MRSA §94, as enacted by PL 1969, c. 410, §1, is amended to read:

§94. Accounts of fees; payments to commission

Once in every 6 months each pilot licensed by the commission shall render to the commission an accurate account of all moneys received by such pilot as fees for pilotage and the commission may impose a charge not to exceed ~~1%~~ 2% per year upon each pilot for the operation of the commission.

Sec. 50. 38 MRSA §95, as enacted by PL 1969, c. 410, §1, is repealed.

Sec. 51. PL 1989, c. 806, §7, as amended by PL 1991, c. 14, is further amended to read:

Sec. 7. Effective date. The Maine Revised Statutes, Title 32, section 13964 takes effect ~~July 1~~ December 31, 1991 or at an earlier date if so mandated by federal requirements pursuant to Title 11 of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73.

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

Effective June 24, 1991.

CHAPTER 510

S.P. 634 - L.D. 1682

An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers

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

Sec. 1. 25 MRSA §3702, as amended by PL 1983, c. 330, is repealed.

Sec. 2. 25 MRSA §3702-A is enacted to read:

§3702-A. Solicitation unlawful

A person may not solicit property from the general public when the property or any part of that property in any way tangibly benefits, is intended to tangibly benefit or is represented to be for the tangible benefit of any law enforcement officer, law enforcement agency or law enforcement association. Any violation of this chapter constitutes a violation of the Maine Unfair Trade Practices Act.

Sec. 3. 25 MRSA §3705, as enacted by PL 1983, c. 819, Pt. A, §56, is repealed.

Sec. 4. 25 MRSA §3706, as enacted by PL 1989, c. 653, is repealed.

Sec. 5. Legislative intent. It is the intent of the Legislature to repeal all exceptions to the prohibition against solicitation by law enforcement agencies, officers and associations. The Legislature finds that the various exceptions to the prohibition enacted over the years, in fact, have led to inherently coercive solicitations and that those exceptions ultimately undermine the integrity of law enforcement. As a consequence, the Legislature repeals these exceptions and reenacts the prohibition on solicitations by or on behalf of law enforcement. The Legislature further finds that solicitations for charitable purposes unrelated to law enforcement activities are not inherently coercive because the person solicited will know that law enforcement agencies or officers do not gain any tangible benefit and, consequently, will not be concerned with who donates. This Act clarifies and reaffirms that the primary and compelling purpose underlying the laws governing solicitation by law enforcement officers is to eliminate the coercion that is inherent in solicitations by and on behalf of law enforcement officers by prohibiting such solicitations. When a law enforcement officer solicits from a prospective donor, the donor may not feel totally free to reject the request in light of the officer's position. This occurs regardless of the subjective intent of the officer to coerce the prospective donor. In addition to the effect on the prospective donor, the appearance of the transaction to 3rd persons may undermine public confidence in the integrity of the public office. At least the appearance of coercion inheres in every solicitation that tangibly benefits law enforcement agents and the appearance undermines the integrity of the office. The Legislature finds that the State has a compelling interest in preserving the integrity of law enforcement officers and finds that regulating all law enforcement solicitations that tangibly benefit law enforcement is necessary to promote this compelling state interest.

See title page for effective date.

CHAPTER 511

H.P. 1149 - L.D. 1674

An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine and the Maine State Housing Authority

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

Whereas, some categories of intermediate care facilities for persons who are mentally retarded are not eligible for financial assistance by the Maine State Housing Authority; and

Whereas, this legislation will expand the ability of the Maine State Housing Authority to help finance all categories of intermediate care facilities, some of which are in immediate need of assistance; 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:

PART A

Sec. A-1. 10 MRSA §965, sub-§1, as amended by PL 1989, c. 698, §5, is further amended to read:

1. Selected board members. Six members of the authority shall consist of:

A. Two veterans who shall be selected by the Governor from the at-large members of the Maine Veterans' Small Business Loan Board;

B. Two members who shall be selected by the Governor from the public members of the Natural Resource Financing and Marketing Board; and

C. Two members who shall be selected by the Governor from the appointed members of the Maine Education Assistance Board.

Sec. A-2. 10 MRSA §969-A, sub-§2-A, as enacted by PL 1985, c. 818, §1, is amended to read:

2-A. Interest subsidies; grants. Provide grants or interest rate subsidies on commercial loans or grants to businesses, farms and nonprofit organizations and provide or participate in interest rate cap agreements and other agreements providing businesses with protection against interest rate fluctuations;

Sec. A-3. 10 MRSA §969-A, sub-§5, as amended by PL 1985, c. 714, §7, is further amended to read:

5. Mortgage transactions. Purchase, sell, service, pledge, invest in, hold, trade, accept as collateral or otherwise deal in, acquire or transfer, on such terms and conditions as the authority may specify, any mortgage loan, mortgage pass-through certificate, pledge including any pledge of mortgage revenue, mortgage participation certificate, revenue obligation security or other mortgage-backed or mortgage-related security. Any such transaction may be conducted by public or private offering, with or without public bidding. In connection with the purchase or sale of a mortgage loan or of a beneficial interest or participation in a mortgage loan, the authority may enter into one or more agreements providing for the custody, control and adminis-