

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Sec. 6. Report on costs of mental illness benefits.** On or before May 1, 1995, Blue Cross-Blue Shield of Maine and the Bureau of Insurance shall report to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the joint standing committee of the Legislature having jurisdiction over banking and insurance matters on the cost of providing coverage for mental illnesses according to the requirements of this Act for employees of the State and for private employers.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide**

Personal Services \$49,036

Provides for the appropriation of funds associated with an increase in health insurance costs due to an expansion of mental health coverage.

**Sec. 8. Allocation.** The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1994-95

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide**

Personal Services \$14,898

Provides for the allocation of funds associated with an increase in health insurance costs due to an expansion of mental health coverage.

See title page for effective date.

**CHAPTER 442**

**S.P. 355 - L.D. 1069**

**An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights**

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

**Sec. 1. 5 MRSA §4681**, as amended by PL 1991, c. 821, §1, is further amended to read:

**§4681. Violations of constitutional rights; civil action by Attorney General**

Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence or attempts to intentionally interfere by physical force or violence or the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured. Each violation of this section is a civil violation for which a civil penalty of not more than \$5,000 for each defendant may be adjudged. These penalties must be applied by the Attorney General in carrying out this chapter. The civil action must be brought in the name of the State and instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business or where the alleged violation occurred. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

**Sec. 2. 5 MRSA §4682**, as repealed and replaced by PL 1991, c. 821, §2, is amended to read:

**§4682. Violations of constitutional rights; civil actions by aggrieved persons**

Whenever any person, whether or not acting under color of law, intentionally interferes or attempts to intentionally interfere by physical force or violence against a person, damage or destruction of property or trespass on property or by the threat of physical force or violence or attempts to intentionally interfere by physical force or violence or the threat of physical force or violence against a person, damage or destruction of property or trespass on property with the exercise or enjoyment by any other

person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State, the person whose exercise or enjoyment of these rights has been interfered with, or attempted to be interfered with, may institute and prosecute in that person's own name and on that person's own behalf a civil action for legal or equitable relief. A person who knowingly violates a temporary restraining order or preliminary or permanent injunction issued under this section commits a Class D crime. Each temporary restraining order or preliminary or permanent injunction issued under this section must include a statement describing the penalties provided in this section for a knowing violation of the order or injunction. The clerk of the Superior Court shall transmit one certified copy of each order or injunction issued under this section to the appropriate law enforcement agency having jurisdiction over locations where the defendant is alleged to have committed the act giving rise to the action, and service of the order or injunction must be accomplished pursuant to the Maine Rules of Civil Procedure. Unless otherwise ordered by the court, service must be made by the delivery of a copy in hand to the defendant.

See title page for effective date.

## CHAPTER 443

H.P. 654 - L.D. 892

### An Act to Extend Criminal Sanctions to Certain Child Protective Orders

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

Sec. 1. 22 MRSA §4036, sub-§5 is enacted to read:

**5. Notice of criminal penalties.** If an order is issued under this section that contains a provision subject to criminal penalties under section 4036-A, the order must indicate in a clear and conspicuous manner the potential consequences of violating the order.

Sec. 2. 22 MRSA §4036-A is enacted to read:

#### §4036-A. Criminal penalty

**1. Definition.** For purposes of this section, "order" means an order entered in a case filed pursuant to this chapter.

**2. Crime committed.** When disposition under section 4036 includes a provision that a party named in a petition not have contact with a child or children named in the petition or a provision that a party named in the petition not enter the residence of a child or children

named in the petition, and the party has prior actual notice of the order containing those provisions, violation of that provision is a Class D crime. The criminal sanctions in this subsection are in addition to and not in lieu of contempt powers of the court.

**3. Warrantless arrest.** Notwithstanding any statutory provision to the contrary, an arrest for criminal violation of an order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of an order by telephone or radio communication with an agency with knowledge of the order.

See title page for effective date.

## CHAPTER 444

S.P. 228 - L.D. 699

### An Act to Regulate Home Repair by Transient Contractors

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

Sec. 1. 32 MRSA c. 128 is enacted to read:

#### CHAPTER 128

### DOOR-TO-DOOR HOME REPAIR TRANSIENT SELLERS

#### §14501. Definitions

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

**1. Consumer.** "Consumer" means any person who purchases or contracts for the purchase of home repair services.

**2. Department.** "Department" means the Department of Professional and Financial Regulation, Division of Licensing and Enforcement.

**3. Door-to-door sales.** "Door-to-door sales" means the solicitation or sale of home repair services by a home repair seller or the seller's employees to a consumer as a result of or in connection with the seller's or the employee's direct contact accomplished by means of a personal visit to the consumer, other than at the seller's place of business, without the consumer soliciting the initial contact.

**4. Employee.** "Employee" means any independent contractor, agent or person working for a salary or a commission who is affiliated with a home repair seller.