

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

J. December 25th, Christmas Day.

If the first day of January, the 4th day of July, the 11th day of November or the 25th day of December falls on Sunday, the following Monday is deemed a bank holiday for the purpose of this Title. When the date for observance of Memorial Day changes under this subsection to the 30th day of May and that date falls on a Sunday, the following Monday is deemed a bank holiday for the purposes of this Title.

**Sec. 2. 9-B MRSA §141, sub-§3**, as enacted by PL 1975, c. 500, §1, is repealed and the following enacted in its place:

**3. Emergency closing.** An institution under the supervision of the bureau or a federal regulatory agency may close for all or part of any business day for good cause any of its offices, branches or facilities if, in the opinion of the institution's management, that action is required by emergency conditions. At the time of a closing under this subsection, the institution shall submit to the bureau oral or written notice of the closing as prescribed by the superintendent. This notice may be made by telephone, facsimile or similar electronic means.

**Sec. 3. 9-B MRSA §223, sub-§1**, as amended by PL 1979, c. 429, §3, is repealed.

**Sec. 4. 9-B MRSA §636, sub-§4**, as amended by PL 1987, c. 405, §19, is further amended to read:

**4. Maturity of credit line.** A line of credit given pursuant to this section ~~shall~~ must be reviewed at least annually by the board of directors or trustees, ~~or by a committee of board members or by bank officers or a committee of bank officers.~~

**Sec. 5. 9-B MRSA §815**, as amended by PL 1975, c. 666, §26, is further amended to read:

**§815. Supervision and examination**

~~Credit unions shall be~~ are under the supervision of the superintendent; and Part 2 of this Title ~~shall be~~ is applicable to credit unions in the same manner as that Part applies to financial institutions in general. ~~The superintendent may waive the publication requirements of section 223, subsection 1, for a credit union if the superintendent is satisfied that the credit union's condition and income reports are made available to its field of membership by other means.~~

See title page for effective date.

**CHAPTER 25**

**H.P. 38 - L.D. 32**

**An Act Regarding the Prohibition against Restaurants with Lounges Serving Meals to Unaccompanied Minors after 9 P.M.**

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

**Whereas**, the restaurants serving the State's winter tourists are experiencing severe hardships that demand immediate attention; 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. 28-A MRSA §1063, sub-§5**, as enacted by PL 1993, c. 410, Pt. ZZ, §18, is repealed.

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

Effective April 14, 1995.

**CHAPTER 26**

**H.P. 47 - L.D. 41**

**An Act to Decrease to Zero the Allowable Blood-alcohol Level of a Person Holding a Juvenile Provisional License**

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

**Sec. 1. 29-A MRSA §2472, sub-§3**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Suspension for OUI conviction or certain blood-alcohol level.** The Secretary of State shall suspend for a period of at least one year, without preliminary hearing, a juvenile provisional license of a person who:

- A. Receives an OUI conviction; or

B. Operates a motor vehicle with ~~a blood alcohol level of 0.02% or more~~ any amount of alcohol in the blood.

**Sec. 2. 29-A MRSA §2472, sub-§§4 and 5,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

**4. Duty to submit to test.** A person under 21 years of age who operates a motor vehicle shall submit to a chemical test if there is probable cause to believe that person has operated a motor vehicle with ~~a blood alcohol level of 0.02% or more~~ any amount of alcohol in the blood. The provisions of subchapter IV apply, except the suspension must be for a period of one year.

**5. Hearing; stay; issues.** If a hearing is requested in accordance with section 2483, the suspension under subsection 3, paragraph B is stayed pending the outcome of the hearing. The scope of a hearing must include whether:

A. There was probable cause to believe that the person was under 21 years of age and operated a motor vehicle ~~while having 0.02% or more by weight of alcohol in the blood~~ with any amount of alcohol in the blood;

B. The person operated a motor vehicle ~~while having 0.02% or more by weight of alcohol in the blood~~ with any amount of alcohol in the blood; and

C. The person was under 21 years of age.

See title page for effective date.

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## CHAPTER 27

H.P. 165 - L.D. 213

### **An Act to Change the Activities Requiring a Permit from the Department of Environmental Protection**

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

**Sec. 1. 38 MRSA §480-Q, sub-§2,** as amended by PL 1993, c. 617, §1, is repealed and the following enacted in its place:

**2. Maintenance and repair.** Maintenance and repair of a structure in, on, over or adjacent to a protected natural resource and maintenance and repair of a private crossing of a river, stream or brook if:

A. Erosion control measures are taken to prevent sedimentation of the water;

B. Crossings do not block fish passages in water courses;

C. There is no additional intrusion into the protected natural resource; and

D. The dimensions of the repaired structure do not exceed the dimensions of the structure as it existed 24 months prior to the repair, or if the structure has been officially included in or is considered by the Maine Historical Preservation Commission eligible for listing in the National Register of Historic Places, the dimensions of the repaired structure do not exceed the dimensions of the historic structure.

This subsection does not apply to: the repair of more than 50% of a structure located in a coastal sand dune system; the repair of more than 50% of a dam, unless that repair has been approved by a representative of the United States Natural Resources Conservation Service; or the repair of more than 50% of any other structure, unless the municipality in which the proposed activity is located requires a permit for the activity through an ordinance adopted pursuant to the mandatory shoreland zoning laws and the application for a permit is approved by the municipality;

See title page for effective date.

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## CHAPTER 28

H.P. 317 - L.D. 438

### **An Act to Amend the Law Regarding Minimum Sentences for Class C Crimes Involving the Use of a Firearm against a Person**

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

**Sec. 1. 17-A MRSA §1252, sub-§5,** as amended by PL 1979, c. 701, §30, is further amended to read:

**5.** Notwithstanding any other provision of this code, ~~except as provided in this subsection,~~ if the State pleads and proves that a Class A, B or C crime was committed with the use of a firearm against a person, the minimum sentence of imprisonment, which ~~shall~~ may not be suspended, ~~shall be~~ is as follows: When the sentencing class for ~~such the~~ such the crime is Class A, the minimum term of imprisonment ~~shall be~~ is 4 years; when the sentencing class for ~~such the~~ such the crime is Class B, the minimum term of imprisonment ~~shall be~~ is 2 years; and when the sentencing class for ~~such the~~ such the crime is Class C, the minimum term of imprisonment ~~shall be~~ is one year. For purposes of this subsection, the applicable sentencing class ~~shall be~~ is determined