

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

J.S. McCarthy Company
Augusta, Maine
1995

2. Exception. This section does not apply to a farmer who transports a division 1.1, 1.2 or 1.3 explosive for the farmer's own use to and from the farm or field within a 20-mile radius.

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

Effective May 11, 1995.

CHAPTER 68

H.P. 326 - L.D. 447

An Act Regarding the Expansion of Certain Waste Disposal Facilities

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

Sec. 1. 38 MRSA §1310-X, sub-§3, ¶B, as repealed and replaced by PL 1991, c. 297, §1, is amended to read:

B. The department determines that the proposed expansion is contiguous with the existing facility and is located on property owned on December 31, 1989 by the licensee on September 30, 1989 or by a corporation or other business entity under common ownership or control with the licensee; and

See title page for effective date.

CHAPTER 69

S.P. 199 - L.D. 542

An Act to Include the Law Court's Imprisonment Sentencing Procedure in the Maine Criminal Code

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

Sec. 1. 17-A MRSA §1252-C is enacted to read:

§1252-C. Sentencing procedure relating to the imprisonment

In imposing a sentencing alternative pursuant to section 1152 that includes a term of imprisonment relative to murder, a Class A, Class B or Class C crime, in setting the appropriate length of that term as well as any unsuspended portion of that term accompanied by a period of probation, the court shall employ the following 3-step process:

1. The court shall first determine a basic term of imprisonment by considering the particular nature and seriousness of the offense as committed by the offender.

2. The court shall next determine the maximum period of imprisonment to be imposed by considering all other relevant sentencing factors, both aggravating and mitigating, appropriate to that case. These sentencing factors include, but are not limited to, the character of the offender and the offender's criminal history, the effect of the offense on the victim and the protection of the public interest.

3. The court shall finally determine what portion, if any, of the maximum period of imprisonment should be suspended and, if a suspension order is to be entered, determine the appropriate period of probation to accompany that suspension.

See title page for effective date.

CHAPTER 70

H.P. 12 - L.D. 6

An Act to Amend the Workers' Compensation Laws to Provide an Exemption from Coverage Requirements for Nonresident Employees

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

Sec. 1. 39-A MRSA §113 is enacted to read:

§113. Exemption for nonresident employees; reciprocity

1. Exemption. An employee who is employed in another state and that employee's employer are exempt from this Act with respect to that employee while the employee is temporarily in this State doing work for that employer if:

A. The employee is not a resident of this State and was not hired in this State;

B. The employer does not have a permanent place of business in the State;

C. The employee's presence in this State for purposes of conducting employment activities does not exceed any of the following periods:

- (1) Five consecutive days;
- (2) Ten days in any 30-day period; or
- (3) Thirty days in any 360-day period;