

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

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

Sec. 1. 30-A MRSA §2528, sub-§4, ¶A, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The municipal clerk shall make nomination papers available to prospective candidates during the 40 days before the filing deadline. Before issuing nomination papers, the clerk must complete each sheet by writing in the name of the candidate and the title and term of office being sought.

(1) Nomination papers must be signed by the following number of voters based on the population of the town according to the last Federal Decennial Census of the United States:

- (a) Not less than 3 nor more than 10 in towns with a population of 200 or less;
- (b) Not less than 10 nor more than 25 in towns with a population of 201 to 500; and
- (c) Not less than 25 nor more than 100 in towns with a population of more than 500.

(2) Each voter who signs a nomination paper shall add the voter's residence with the street and number, if any. The voter may sign ~~only~~ as many nomination papers for each office as ~~there are~~ the voter chooses, regardless of the number of vacancies to be filled. ~~If a voter signs more nomination papers for an office than there are vacancies to be filled, any signatures of that voter on nomination papers, submitted after the clerk has received a number of nomination papers bearing that voter's signature which equals the number of vacancies to be filled, are not valid.~~

See title page for effective date.

CHAPTER 103

S.P. 292 - L.D. 790

An Act to Allow the Workers' Compensation Board to Submit Legislative Proposals Annually

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

Sec. 1. 39-A MRSA §152, sub-§11, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

11. Recommending legislative change. The board shall consider and recommend to the Legislature changes in this Act. Recommended changes must be forwarded to the Legislature annually on or before December 1st ~~of each even-numbered year.~~

See title page for effective date.

CHAPTER 104

H.P. 616 - L.D. 826

An Act to Amend the Sexual Abuse Laws by Including 16-year-olds and 17-year-olds Who Are Still in School in the Provisions for Sexual Abuse of Minors

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

Sec. 1. 17-A MRSA §254, sub-§1, ¶A, as amended by PL 1989, c. 401, Pt. A, §5, is further amended to read:

A. Having attained the age of 19 years, the person engages in a sexual act with another person, not the actor's spouse, who has attained the age of 14 years but has not attained the age of 16 years, provided that the actor is at least 5 years older than the other person; or

Sec. 2. 17-A MRSA §254, sub-§1, ¶C is enacted to read:

C. Having attained the age of 21 years, the person engages in a sexual act with another person, not the actor's spouse, who has attained the age of 16 years but not the age of 18 years, and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled.

Sec. 3. 17-A MRSA §254, sub-§3, as amended by PL 1993, c. 451, §1, is repealed and the following enacted in its place:

3. Violation of subsection 1, paragraph A is a Class D crime; and violation of subsection 1, paragraph C is a Class E crime; except that the sentencing class for a violation of subsection 1 is one class higher if the State pleads and proves:

A. The actor was more than 10 years older than the other person;

B. The actor knew the other person was related to the actor within the 2nd degree of consanguinity; or

C. The actor has 2 or more prior Maine convictions for violations of this section. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

Sec. 4. 17-A MRSA §255, sub-§1, ¶H, as amended by PL 1993, c. 687, §5, is further amended to read:

H. The other person submits as a result of compulsion; ~~or~~

Sec. 5. 17-A MRSA §255, sub-§1, ¶I, as enacted by PL 1993, c. 687, §6, is amended to read:

I. The actor owns, operates or is an employee of an organization, program or residence that is operated, administered, licensed or funded by the Department of Mental Health and Mental Retardation or the Department of Human Services and the other person, not the actor's spouse, receives services from the organization, program or residence and the organization, program or residence recognizes that person as a person with mental retardation. It is an affirmative defense to prosecution under this paragraph that the actor receives services for mental retardation or is a person with mental retardation as defined in Title 34-B, section 5001, subsection 3-; or

Sec. 6. 17-A MRSA §255, sub-§1, ¶J is enacted to read:

J. The other person, not the actor's spouse, has not in fact attained the age of 18 years and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor, having attained the age of 21 years, is a teacher, employee or other official in the school district, school union, educational unit, school, facility or institution in which the student is enrolled.

Sec. 7. 17-A MRSA §255, sub-§2, as repealed and replaced by PL 1993, c. 687, §7, is amended to read:

2. Unlawful sexual contact is a Class D crime, except that a violation of subsection 1, paragraph J is a Class E crime and except that a violation of subsection 1, paragraph C, G or H is a Class C crime, and a violation of this section when the actor has 2 or more prior Maine convictions for violations of this section is a Class C crime. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 5 years, although both prior convictions may have occurred on the same day. The date of a conviction is deemed to be the date that sentence is imposed, even though an appeal was taken. The date of a commission of an offense is presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

See title page for effective date.

CHAPTER 105

S.P. 300 - L.D. 839

An Act to Allow the Workers' Compensation Board to Regulate Nonfinancial Aspects of Workers' Compensation Arbitration

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

Sec. 1. 39-A MRSA §314, sub-§7, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 and 11, is amended to read:

7. **Fee; rules.** The board shall by rule provide for the amount of the fee to be paid to the arbitrator by the board and establish administrative processes to review, adopt and monitor arbitration plans.

See title page for effective date.

CHAPTER 106

S.P. 320 - L.D. 901

An Act to Clarify the Use of the Power of Sale Foreclosures Regarding Limited Liability Corporations

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