

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
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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4

J.S. McCarthy Company
Augusta, Maine
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ammunition for a firearm for use in a supervised manner.

Sec. 3. 17-A MRSA §554-A is enacted to read:

§554-A. Unlawful transfer of a firearm to a minor

1. As used in this section, the following terms have the following meanings.

A. "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide, with or without consideration.

B. "Minor" means a person under 16 years of age.

2. A person is guilty of unlawfully transferring a firearm to a minor if that person, who is not the parent, foster parent or guardian of the minor, knowingly transfers a firearm to a minor.

3. It is an affirmative defense to a prosecution under subsection 2 that:

A. The actor reasonably believed the person receiving the firearm had attained 16 years of age. A reasonable belief can not be based solely upon the physical appearance of the person or upon the oral representation of that person as to that person's age; or

B. The transfer of the firearm to the minor was approved by the parent, foster parent or guardian of the minor.

4. Unlawful transfer of a firearm to a minor is a Class D crime.

See title page for effective date.

CHAPTER 264

H.P. 692 - L.D. 943

An Act to Create an Honorary Position of Maine State Poet Laureate

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

Sec. 1. 5 MRSA §12004-I, sub-§5-A is enacted to read:

<u>5-A.</u>	<u>State Poet Laureate Selection Advisory</u>	<u>Not Authorized</u>	<u>27 MRSA §421</u>
<u>Culture</u>			

Panel

Sec. 2. 27 MRSA c. 15 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 15

THE ARTS

SUBCHAPTER I

MAINE ARTS COMMISSION

Sec. 3. 27 MRSA c. 15, sub-c. II is enacted to read:

SUBCHAPTER II

STATE POET LAUREATE

§421. Honorary office created

The honorary office of State Poet Laureate is created.

1. Appointment. On March 31st of each year, the Governor shall appoint an individual to serve as State Poet Laureate, selected from the names presented by the advisory panel created in subsection 3.

2. Term. The State Poet Laureate shall serve a one-year term from March 31st to March 31st of the following year. An individual may serve as State Poet Laureate for no more than 3 consecutive terms, but may be reappointed after a year's break from service.

3. Advisory panel. The State Poet Laureate Selection Advisory Panel as established in Title 5, section 12004-I, subsection 5-A, referred to in this subchapter as the "panel," is created in accordance with the following provisions.

A. The panel is composed of one representative of the University of Maine System with expertise in poetry, selected by the Board of Trustees of the University of Maine System; one representative of private colleges and universities in the State with expertise in poetry, selected by an association of independent colleges; one public school teacher with expertise in poetry, selected by an association of secondary English teachers in the State; and the director of the Maine State Library and the Director of the Maine Arts Commission, who serve as cochairs.

B. Each panel member shall annually survey the colleagues the member represents to identify the names of potential candidates to be considered by the full panel for the position of State Poet Laureate. By March 1st of each year, the panel

shall select one or more names to recommend to the Governor from which the Governor shall appoint the State Poet Laureate.

C. If a vacancy occurs within the term of the State Poet Laureate, the panel shall as soon as possible select a nominee for appointment by the Governor to fill the remainder of the term.

D. Members of the panel are not entitled to per diem or compensation for expenses.

4. Eligibility. The individual appointed State Poet Laureate must be a resident of the State and must have published poems of recognized merit.

5. Duties. The duties of the State Poet Laureate are as follows:

A. To provide free consultation on poetry to state educational institutions; and

B. To write annually at least one poem addressing the beauty, history, heritage or character of the State or the spirit of its people, to be presented to the Governor and the presiding officers of the Legislature by March 15th, Maine Statehood Day.

6. Copyright. The copyright to the poems described in subsection 5, paragraph B must be held by the people of the State. The director of the Maine State Library shall maintain the copyright.

§422. Public employment permitted

Acceptance of the honor of serving as State Poet Laureate does not constitute state employment and does not preclude an individual from election, appointment or service as an employee or official in state or local government.

Sec. 4. Transition provision. For 1995, the 175th anniversary year of Maine statehood, the State Poet Laureate Selection Advisory Panel shall make recommendations to the Governor and the Governor shall appoint the first State Poet Laureate as soon as possible after the effective date of this Act, the term to run until March 31, 1996.

See title page for effective date.

CHAPTER 265

H.P. 275 - L.D. 377

An Act to Extend to Businesses the Laws Concerning Protection from Harassment

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

Sec. 1. 5 MRSA §4651, sub-§2, as amended by PL 1993, c. 199, §1, is further amended to read:

2. Harassment. "Harassment" means any repeated act of intimidation, harassment, physical force or threat of physical force directed against any person, family, business, landlord or their property or advocate with the intention of causing fear, intimidation or destruction of business or rental property or to deter free exercise or enjoyment of any rights or privileges secured by the Constitution of Maine and the United States Constitution. This definition does not include any act protected by the constitutional guarantee of free speech or by labor relations laws.

Sec. 2. 5 MRSA §4651, sub-§4 is enacted to read:

4. Business. "Business" means any corporation, partnership, limited liability corporation, professional corporation or any other legal business entity recognized under the laws of the State.

Sec. 3. 5 MRSA §4653, sub-§1, as amended by PL 1993, c. 199, §2, is further amended to read:

1. Filing. Any person who has been a victim of harassment, including a business or a landlord acting on behalf of an aggrieved tenant, may seek relief by filing a sworn petition in an appropriate court alleging that harassment.

Sec. 4. 5 MRSA §4654, sub-§2, ¶A, as amended by PL 1993, c. 199, §3, is further amended to read:

A. It appears clearly from a verified petition or an affidavit accompanying the petition that:

(1) Before the defendant or the defendant's attorney can be heard, the plaintiff or the plaintiff's employees may be in immediate and present danger of physical abuse from the defendant or is in immediate and present danger of suffering extreme emotional distress as a result of the defendant's conduct or the plaintiff's business or rental property is in immediate and present danger of suffering substantial damage as a result of the defendant's actions;

(2) Either the plaintiff has or has not contacted any law enforcement officials concerning the alleged harassment; and

(3) The plaintiff has provided sufficient information to substantiate the alleged harassment;