

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
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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;

Sec. 5. 5 MRSA §4654, sub-§4, ¶¶A and B, as enacted by PL 1987, c. 515, §1, are amended to read:

A. Imposing any restraint upon the person or liberty of the plaintiff or the plaintiff's employees;

B. Threatening, assaulting, molesting, harassing or otherwise disturbing the peace of the plaintiff or the plaintiff's employees;

Sec. 6. 5 MRSA §4654, sub-§4, ¶C, as repealed and replaced by PL 1993, c. 680, Pt. A, §10, is amended to read:

C. Entering the plaintiff's residence or property, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;

Sec. 7. 5 MRSA §4655, sub-§1, ¶A, as amended by PL 1987, c. 708, §5, is further amended to read:

A. Directing the defendant to refrain from harassing, threatening, assaulting, molesting, attacking or otherwise abusing the plaintiff or the plaintiff's employees;

Sec. 8. 5 MRSA §4655, sub-§1, ¶B, as amended by PL 1993, c. 199, §6, is further amended to read:

B. Directing the defendant to refrain from going on the premises of the plaintiff's residence or property, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;

Sec. 9. 5 MRSA §4655, sub-§1, ¶D, as amended by PL 1993, c. 475, §2, is further amended to read:

D. Ordering payment of monetary compensation to the plaintiff for losses suffered as a direct result of the harassment. Compensatory losses are limited to loss of earnings or support; reasonable expenses incurred for safety protection; reasonable expenses incurred for personal injuries or property damage; and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of damages, if any, to be awarded. If it appears from the petition that an order under this paragraph may be granted, the plaintiff or defendant may remove the issue of monetary compensation to the Superior Court where a jury trial may be had. Removal must be

requested by motion prior to a hearing under section 4654;

See title page for effective date.

CHAPTER 266

H.P. 785 - L.D. 1102

An Act to Exempt Bows from the Firearms Discharge Ordinances

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

Sec. 1. 30-A MRSA §3007, sub-§5 is enacted to read:

5. Firearms and bows and arrows. Municipalities may not include bows and arrows in any firearms discharge ordinances.

See title page for effective date.

CHAPTER 267

S.P. 467 - L.D. 1263

An Act to Delegate Permit-granting Authority to Municipalities

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

Sec. 1. 38 MRSA §480-F, sub-§1, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §74, is further amended to read:

1. Delegation. A municipality may apply to the board for authority to issue permits under this article. The board shall grant such authority if it finds that the municipality has:

A. Established a planning board and a board of appeals;

B. Adopted a comprehensive plan and related land use ordinances consistent with the criteria set forth in Title 30-A, chapter 187, subchapter II;

C. The financial, technical and legal resources to adequately review and analyze permit applications and oversee and enforce permit requirements;

D. Made provision by ordinance or rule for prompt notice to the commissioner and the public upon receipt of application and written notification to the applicant and the commissioner of