

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

nondeadly force not justified under section 107, subsection 1.

Sec. 2. 17-A MRSA §751, as enacted by PL 1975, c. 499, §1, is amended to read:

§751. Obstructing government administration

1. A person is guilty of obstructing government administration if ~~he~~ the person uses force, violence, or intimidation or engages in any criminal act with the intent to interfere with a public servant performing or purporting to perform an official function.

2. This section ~~shall~~ does not apply to:

A. Refusal by a person to submit to an arrest or detention; or

B. Escape by a person from official custody, as defined in section 755.

3. Obstructing government administration is a Class D crime.

Sec. 3. 17-A MRSA §751-A is enacted to read:

§751-A. Refusing to submit to arrest or detention

1. A person is guilty of refusing to submit to an arrest or a detention if, with the intent to hinder, delay or prevent a law enforcement officer from effecting the arrest or detention, that person:

A. Uses physical force against the law enforcement officer; or

B. Creates a substantial risk of bodily injury to the law enforcement officer.

2. It is a defense to prosecution under this section that:

A. The person knew that the law enforcement officer knew that the arrest or detention was illegal; or

B. The person reasonably believed that the person attempting to effect the arrest or detention was not a law enforcement officer.

3. Refusing to submit to an arrest or a detention is a Class D crime.

See title page for effective date.

CHAPTER 352

H.P. 646 - L.D. 899

An Act Regarding Terminal Rental Adjustment Clauses Vehicle Leasing

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

Sec. 1. 10 MRSA c. 209-A is enacted to read:

CHAPTER 209-A

VEHICLE LEASES THAT ARE NOT SALES OR SECURITY INTERESTS

§1305. Terminal rental adjustment clauses; vehicle leases that are not sales or security interests

Notwithstanding any other provision of law, in the case of motor vehicles or trailers, a transaction does not create a sale or security interest merely because the agreement provides that the rental price is permitted or required to be adjusted upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

See title page for effective date.

CHAPTER 353

H.P. 648 - L.D. 901

An Act to Allow Minors under 16 Years of Age to Work at Certain Commercial Places of Amusement

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

Whereas, low rates of unemployment in southern Maine have caused a severe shortage of labor in recent tourist seasons that has made it difficult for tourist businesses to recruit workers; and

Whereas, the summer tourist season will begin within 30 days of adjournment; and

Whereas, if this legislation does not become effective until the normal effective date, a number of seasonal tourist businesses will not be able to benefit this year from the change in law this legislation would enact; 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. 26 MRSA §773, first ¶, as amended by PL 1993, c. 434, §2, is further amended to read:

A minor under 16 years of age may not be employed, permitted or suffered to work in, about or in connection with any manufacturing or mechanical establishment, hotel, rooming house, laundry, except those commonly known as automatic laundries, dry cleaning establishments, bakery, bowling alley, poolroom, commercial places of amusement, including traveling shows and circuses, or in any theater or moving picture house or in conjunction with an amusement, game or show that allows or conducts betting. The provisions of this section pertaining to theaters do not apply to minors under 16 years of age who are employed or in training as theatrical actors or film actors.

Sec. 2. 26 MRSA §773, as amended by PL 1993, c. 434, §2, is further amended by adding at the end a new paragraph to read:

Notwithstanding other provisions of this section, a minor under 16 years of age may be employed at a commercial place of amusement operating at a permanent location, except that minors under 16 years of age may not be employed at games of chance as defined in Title 17, chapter 14 or hazardous occupations as determined by the director.

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

Effective May 31, 1997.

CHAPTER 354

H.P. 710 - L.D. 974

**An Act Concerning the Review of
Certain Sentences Imposed on
Defendants**

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

Sec. 1. 15 MRSA §2151, as enacted by PL 1989, c. 218, §5, is amended to read:

§2151. Application to the Supreme Judicial Court by defendant for review of certain sentences

In cases arising in the District Court or the Superior Court in which a defendant has been convicted of a criminal offense and sentenced to a term of imprisonment of one year or more, the defendant may, ~~except in any case in which a different term of imprisonment could not have been imposed,~~ apply to the Supreme Judicial Court, sitting as the Law Court, for review of the sentence, ~~except:~~

1. Different term could not be imposed. In any case in which a different term of imprisonment could not have been imposed; or

2. Plea agreements. In any case in which the particular disposition involving imprisonment was imposed as a result of a court accepting a recommendation of the type specified in the Maine Rules of Criminal Procedure, Rule 11A, subsection (a)(2) or (a)(4).

See title page for effective date.

CHAPTER 355

H.P. 724 - L.D. 988

**An Act to Exclude Coaches from
Participation in the Maine State
Retirement System**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this bill recognizes the inequities under current law involved in requiring public school coaches who do not otherwise meet the definition of teacher to join the Maine State Retirement System like other teachers while employed as coaches; and

Whereas, the alternative treatment established in the bill for coaches who are not teachers as defined for retirement purposes must be available and known to coaches and school administrators before the start of the next school year to be effectively administered; and