

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

A. Either the sender or the receiver of that communication is a person residing in an adult section of the county jail; and

B. Notice of the possibility of interception is provided in a way sufficient to make the parties to the communication aware of the possibility of interception, which includes:

(1) Providing the resident with a written notification statement;

(2) Posting written notification next to every telephone at the jail that is subject to monitoring; and

(3) Informing the recipient of a telephone call from the resident by playing a recorded warning before the recipient accepts the call.

This subsection does not authorize any interference with the attorney-client privilege.

**Sec. 5. 15 MRSA §713**, as amended by PL 1995, c. 182, §2, is further amended to read:

**§713. Evidence**

The contents of an interception are not admissible in court, except that the contents of an interception of any oral or wire communication that has been legally obtained under the laws of another jurisdiction in which the interception occurred or that has been legally obtained pursuant to section 712, subsection 2 or 3 is admissible in the courts of this State, subject to the Maine Rules of Evidence.

See title page for effective date.

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**CHAPTER 362**

**S.P. 372 - L.D. 1231**

**An Act Regarding the Leasing of Buildings**

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

**Whereas**, the Judicial Department may effect savings by subleasing property it currently holds under lease agreements; and

**Whereas**, these savings may be expeditiously brought about if the Judicial Department is authorized to enter into appropriate subleases; 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. 4 MRSA §17-B** is enacted to read:

**§17-B. Subleasing**

Notwithstanding any other provision of law, the Judicial Department may sublease real property that it holds in the Town of York as tenant to any other government agency for a period of 5 years or less.

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

Effective May 31, 1997.

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**CHAPTER 363**

**H.P. 936 - L.D. 1283**

**An Act to Restrict Parental Rights of Convicted Sex Offenders**

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

**Sec. 1. 19-A MRSA §1658** is enacted to read:

**§1658. Termination of parental rights and responsibilities upon conviction**

The parental rights and responsibilities with respect to a specific child of a parent convicted of a crime involving the sexual intercourse that resulted in the conception of that child may be terminated in accordance with this section.

**1. Petitioner.** The petition for termination may be filed by the other parent or, if the other parent is a minor, the parent or guardian of the other parent.

**2. Petition.** The petitioner may file a petition with the District Court that requests the termination of the parental rights and responsibilities of the convicted parent and alleges:

A. That the parent was convicted of a crime involving sexual intercourse; and

B. That the sexual intercourse resulted in the conception of the child.

**3. Termination.** Except as provided in subsection 4, if the petitioner proves the allegations in

subsection 2, paragraphs A and B by a preponderance of the evidence, the court shall terminate the parental rights and responsibilities of the parent.

**4. Exception.** The court is not required to terminate the parental rights and responsibilities of a parent convicted of gross sexual assault under Title 17-A, section 253, subsection 1, paragraph B, that resulted in the conception of the child if:

A. The parent or guardian of the other parent filed the petition;

B. The other parent informs the court that the sexual act was consensual; and

C. The other parent opposes the termination of the parental rights and responsibilities of the parent convicted of the gross sexual assault.

See title page for effective date.

## CHAPTER 364

H.P. 950 - L.D. 1313

### An Act to Amend Certain Laws Administered by the Department of Environmental Protection

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

**Sec. 1. 32 MRSA c. 104-A, first 3 lines** are repealed and the following enacted in their place:

#### CHAPTER 104-A

#### UNDERGROUND OIL STORAGE TANK INSTALLERS

**Sec. 2. 32 MRSA §10001**, as amended by PL 1987, c. 410, §2, is further amended to read:

##### **§10001. Declaration of purpose**

In order to safeguard the public health, safety and welfare, to protect the public from incompetent and unauthorized persons, to assure the highest degree of professional conduct on the part of underground oil ~~and underground hazardous substance~~ storage tank installers and to assure the availability of underground oil ~~and underground hazardous substance~~ storage tank installations of high quality to persons in need of those services, it is the purpose of this chapter to provide for the regulation of persons offering underground oil ~~and underground hazardous substance~~ storage tank installation services.

**Sec. 3. 32 MRSA §10002, sub-§§3-A, 5-A and 5-B**, as enacted by PL 1987, c. 410, §3, are repealed.

**Sec. 4. 32 MRSA §10003, sub-§1**, as amended by PL 1989, c. 845, §5, is further amended to read:

**1. Establishment and membership.** There is established within the Department of Environmental Protection, the Board of Underground Storage Tank Installers. The board consists of 7 members appointed by the Governor as follows: one from the Department of Environmental Protection; one from either the Maine Oil Dealer's Association or the Maine Petroleum Association; one underground oil ~~or under-ground hazardous substance~~ storage tank installer; one from either the Oil and Solid Fuel Board, the Plumber's Examining Board or the State Board of Certification for Geologists and Soil Scientists; one from the Maine Chamber of Commerce and Industry; one from the Maine Fire Chiefs Association; and one public member.

**Sec. 5. 32 MRSA §10004, sub-§2**, as amended by PL 1989, c. 312, §2, is further amended to read:

**2. Rules.** The board may adopt, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional regulation and to the establishment of ethical standards of practice for persons certified to practice underground oil ~~or underground hazardous substance~~ storage tank installation and removal and underground gasoline storage tank removal.

**Sec. 6. 32 MRSA §10006, sub-§1**, as amended by PL 1989, c. 312, §3, is further amended to read:

**1. Certification required.** No person may practice, or profess to practice, as an underground oil ~~or underground hazardous substance~~ storage tank installer or underground gasoline storage tank remover in this State or use the words "underground oil storage tank installer," "~~underground hazardous substance storage tank installer,~~" "underground gasoline storage tank remover" or other words or letters to indicate that the person using the words or letters is a certified underground oil ~~or underground hazardous substance~~ storage tank installer practitioner or underground gasoline storage tank remover practitioner unless that person is certified in accordance with this chapter.

**Sec. 7. 32 MRSA §10008**, as amended by PL 1987, c. 410, §8, is further amended to read:

##### **§10008. Reciprocity**