

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

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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
1999

appointment. The insurance producer or agency shall keep at the producer's or agency's place of business complete records of transactions under the license. If a producer engages in transactions on behalf of an agency and subsequently maintains a different place of business, the agency shall maintain the records of those transactions. If a producer engages in transactions independent of any agency, the producer shall maintain the records of those transactions. For the purpose of examination or investigation by the superintendent, records may be maintained in electronic form. As to each insurance policy or contract placed through or sold by the licensee, the records must show:

- A. The names of the insurer, health maintenance organization, fraternal benefit society or non-profit hospital or medical service organization;
- B. The number and expiration date of the policy or contract;
- C. The premium payable as to the policy or contract;
- D. The name and address of the insured;
- E. The date and time of every binder made by the insurance producer; and
- F. Such other information as the superintendent may reasonably require.

See title page for effective date.

CHAPTER 51

H.P. 582 - L.D. 822

An Act to Rename the Harassment Based on Characteristic Law

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

Sec. 1. 17 MRSA c. 93-C is amended by repealing the chapter headnote and enacting in its place the following:

CHAPTER 93-C

INTERFERENCE WITH CONSTITUTIONAL AND CIVIL RIGHTS

Sec. 2. 17 MRSA §2931, first ¶, as amended by PL 1987, c. 695, §5, is further amended to read:

~~No~~ A person may not, by force or threat of force, intentionally injure, intimidate or interfere with, or intentionally attempt to injure, intimidate or interfere

with or intentionally oppress or threaten any other person in the free exercise or enjoyment of any right or privilege, secured to ~~him~~ that person by the Constitution of Maine or laws of the State or by the United States Constitution or laws of the United States.

See title page for effective date.

CHAPTER 52

S.P. 283 - L.D. 801

An Act to Strengthen Marine Fisheries Conservation Protection

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

Sec. 1. 15 MRSA §891, as amended by PL 1995, c. 694, Pt. D, §22 and affected by Pt. E, §2, is further amended to read:

§891. Dismissal on satisfaction of private injury; discharge of bail

When a person has been admitted to bail or is committed by a judge, or is indicted or held upon a complaint and warrant for an assault or other Class D or E crime, as defined by Title 17-A, section 4-A, for which the party injured has a remedy by civil action, except aggravated assaults, assaults upon or resistance of a law enforcement officer as defined by Title 17-A in the execution of a law enforcement officer's duty, assaults of those officers ~~and~~ crimes involving family or household members as defined in Title 19-A, chapter 101, and molesting lobster gear pursuant to Title 12, chapter 619, if the injured party appears before the judge or court, and in writing acknowledges satisfaction for the injury, the court, on payment of all costs, may stay further proceedings and discharge the defendant. The judge may exonerate the bail and release the obligors, supersede the commitment by written order and exonerate the bail of the witnesses.

See title page for effective date.

CHAPTER 53

H.P. 286 - L.D. 394

An Act Regarding Hunting Implements

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

Sec. 1. 12 MRSA §7406, sub-§17, ¶K, as enacted by PL 1979, c. 420, §1, is amended to read:

K. Uses an artificial light, snare, trap, ~~swivel,~~
~~pivot~~ or set gun to hunt deer or moose;

See title page for effective date.

CHAPTER 54

H.P. 951 - L.D. 1349

An Act to Protect Citizens from the Detrimental Effects of Tobacco

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

Sec. 1. 22 MRSA §1541, sub-§4, as enacted
by PL 1993, c. 342, §1 and affected by §9, is amended
to read:

4. Public place. "Public place" means any
place, including a restaurant, not open to the sky into
which the public is invited or allowed. Except as
provided in section 1542, subsection 2, paragraph J, a
private residence is not a public place.

Sec. 2. 22 MRSA §1541, sub-§5, as enacted
by PL 1993, c. 342, §1 and affected by §9, is repealed
and the following enacted in its place:

5. Restaurant. "Restaurant" means any en-
closed indoor restaurant or other enclosed establish-
ment that invites the public to be served food for
consumption on the premises. "Restaurant" does not
include an establishment that according to its licensing
requirements under Title 28-A generally prohibits
minors from being served or present.

Sec. 3. 22 MRSA §1542, sub-§2, ¶D, as en-
acted by PL 1993, c. 342, §1 and affected by §9, is
repealed.

Sec. 4. 22 MRSA §1579-A, as amended by
PL 1989, c. 451, §§1 and 2, is repealed.

See title page for effective date.

CHAPTER 55

S.P. 156 - L.D. 476

An Act to Prohibit the Negotiation of Severance Pay Lower than the State Minimum

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

Sec. 1. 26 MRSA §625-B, sub-§3, as en-
acted by PL 1979, c. 663, §157, is amended to read:

3. Mitigation of severance pay liability. There
~~shall be~~ is no liability under this section for severance
pay to an eligible employee if:

A. Relocation or termination of a covered estab-
lishment is necessitated by a physical calamity;

B. The employee is covered by an express con-
tract providing for severance pay that is equal to
or greater than the severance pay required by this
section;

C. That employee accepts employment at the
new location;

D. That employee has been employed by the
employer for less than 3 years.

See title page for effective date.

CHAPTER 56

S.P. 451 - L.D. 1326

An Act to Clarify the Authority of the Maine Milk Commission

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

Whereas, there is confusion as to the authority
of the Maine Milk Commission to establish minimal
milk prices for dairy farmers; and

Whereas, dairy farming is a difficult business
and an integral part of the Maine economy and rural
way of life; and

Whereas, passage of this legislation would help
stabilize prices to dairy farmers; 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 preserva-
tion of the public peace, health and safety; now,
therefore,

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

Sec. 1. 7 MRSA §2954, sub-§9, as enacted
by PL 1983, c. 573, §2, is amended to read:

**9. Minimum wholesale prices paid to produc-
ers for their milk.** Notwithstanding any other provi-
sions of this chapter or chapter 611, minimum
wholesale prices paid by dealers to producers shall be
for their milk that is sold in this State are subject to the
~~provisions of chapter 611~~ minimum producer prices