

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE  
3, SECTION 164, SUBSECTION 6.**

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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In instances of commitment of a juvenile to the **Department of Mental Health and Corrections, the Department of Human Services or the Maine Youth Center, the commissioner of either department or the superintendent of the youth center thereof** following such the commitment may for good cause petition the juvenile court having original jurisdiction in the case for a judicial review of the disposition, including extension of the period of commitment. In all cases in which a juvenile is returned to a juvenile court ~~from the Maine Youth Center~~, the juvenile court may make any of the dispositions otherwise provided in section 3314.

Effective September 18, 1981

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## CHAPTER 380

H. P. 631 — L. D. 712

### AN ACT to Provide for the Limitations of Liability in Regard to Certain Insurance Inspections.

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

Sec. 1. 14 MRSA § 167 is enacted to read:

#### § 167. Insurance inspections

1. **Exemption.** Subject to subsection 2, the furnishing of, or failure to furnish, insurance inspection services related to, in connection with or incidental to the issuance or removal of a policy of property or casualty insurance shall not subject the insurer, its agents, employees or service contractors to liability for damages from injury, death or loss occurring as a result of any act or omission by any person in the course of such services.

2. **Notice required.** Subsection 1 shall not apply or be effective unless the insurer notifies the insured in writing of the provisions of this section whenever the policy is issued or renewed. The Superintendent of Insurance shall adopt a regulation specifying the contents of the notice required by this subsection and the manner in which it shall be given.

3. **Exceptions.** This section shall not apply:

A. If the injury, loss or death occurred during the actual performance of inspection services and was proximately caused by the negligence of the insurer, its agent, employees or service contractors;

B. To any inspection services required to be performed under the provisions of a written service contract or defined loss prevention program; and

C. In any action against an insurer, its agents, employees or service contractors for damages proximately caused by the act or omission of the insurer, its agents, employees or service contractors in which it is determined that such act or omission constituted a crime, actual malice or gross negligence.

Sec. 2. **Effective date.** This Act shall take effect January 1, 1982.

Effective January 1, 1982

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## CHAPTER 381

### H. P. 1431 — L. D. 1582

#### **AN ACT to Amend the Definition of State Employee under the State Employees Labor Relations Act.**

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

**Sec. 1.** 26 MRSA § 979-A, sub-§ 6, ¶¶ C and G, as enacted by PL 1973, c. 774, are amended to read:

C. Whose duties as ~~deputy, administrative assistant or secretary~~ necessarily imply a confidential relationship with respect to matters subject to collective bargaining as between such person and the Governor, a department head ~~or~~, body having appointive power within the executive department ~~or any other official or employee excepted by this section; or~~

G. Who is serving as a member of the State Militia or National Guard; ~~or~~

**Sec. 2.** 26 MRSA § 979-A, sub-§ 6, ¶ H, as enacted by PL 1977, c. 642, is amended to read:

H. Who is a staff attorney, assistant attorney general or deputy attorney general in the Department of Attorney General; ~~or~~

**Sec. 3.** 26 MRSA § 979-A, sub-§ 6, ¶¶ I and J are enacted to read:

I. Who is appointed to a major policy-influencing position as designated by Title 5, section 711, subsection 2; ~~or~~

J. Who substantially participates in the formulation and effectuation of policy in a department or agency or has a major role, other than a typically supervisory role, in the administration of a collective bargaining agreement in a department or agency.

Effective September 18, 1981