

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

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

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

B. A person may keep a wild animal in captivity if the animal was purchased or obtained originally from a dealer, pet shop or licensed roadside menagerie wild-life exhibit.

Sec. 33. 12 MRSA §7736, sub-§3, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

3. Hunting in a licensed wildlife exhibit. A person is guilty of hunting in a licensed wildlife exhibit if he hunts in a licensed wildlife exhibit at any time.

Sec. 34. 12 MRSA §7801, sub-§19, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. A report of the occurrence, by the quickest means of communication, to the nearest available law enforcement officer to the place where the accident occurred.

Sec. 35. 12 MRSA §7827, sub-§4, as enacted by PL 1979, c. 420, §1, is amended to read:

4. Operating a snowmobile on a public way. A person is guilty, except as provided in subsection 3 and subsection 23, paragraph D, of operating a snowmobile on a public way if he operates a snowmobile upon the main traveled portion, the sidewalks or the plowed snowbanks of a public way.

Sec. 36. 12 MRSA §7827, sub-§22, ¶B, as enacted by PL 1979, c. 420, §1, is amended to read:

B. He fails to give notice of the accident, by the quickest means of communication, to a law enforcement officer available nearest to the place where the accident occurred.

Effective July 13, 1982.

CHAPTER 645

H.P. 2228 - L.D. 2086

AN ACT to Amend the Certification Process for Admission into Public Mental Retardation Institutions and to Clarify the Jurisdiction of the District Court.

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

Sec. 1. 4 MRSA §152, first sentence, as repealed and replaced by PL 1981, c. 470, Pt. A, §4, is amended to read:

The District Court shall possess the civil jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, and in addition, original jurisdiction, concurrent with that of the Superior Court of all civil actions in which neither damages in excess of \$20,000, nor, except as herein provided, equitable relief is demanded of proceedings under Title 14, sections 6651 to 6658 and of actions for divorce, annulment of marriage or judicial separation and of proceedings under Title 19 and original jurisdiction, concurrent with that of the Superior Court, of actions to quiet title to real estate under Title 14, sections 6651 to 6658, and in these actions the District Court may grant equitable relief; and original jurisdiction, concurrent with that of the Superior Court, for breach of implied warranty and covenant of habitability under Title 14, section 6021, and in these actions the District Court may grant equitable relief; and original jurisdiction, concurrent with that of the Superior Court, of actions to quiet title to real estate under Title 36, section 946, and in such actions the District Court may grant equitable relief, of actions to foreclose mortgages under Title 14, chapter 713, subchapter VI; and of mental health commitment hearings under Title 34, chapter 191, subchapter III, and of mental retardation certification hearings under Title 34, chapter 229; and of small claims actions under Title 14, chapter 738, and in these actions the District Court may grant equitable relief.

Sec. 2. 34 MRSA §2657-A, sub-§7 is enacted to read:

7. Involuntary admission. When determined necessary, section 2665 authorizes involuntary admission.

Sec. 3. 34 MRSA §2659-A, first ¶, as enacted by PL 1977, c. 635, §7, is amended to read:

If the superintendent of a facility or his designee has determined that the client is not capable of giving informed consent to admission, a client may be admitted for extended care and treatment only after judicial certification, pursuant to this section or after involuntary admission, pursuant to section 2665.

Sec. 4. 34 MRSA §2659-A, sub-§2, ¶C, first sentence, as enacted by PL 1977, c. 635, §7, is amended to read:

Shall, unless waived by a parent or guardian, cause the client who is the subject of the proceeding to be examined by a professional.

Sec. 5. 34 MRSA §2659-A, sub-§3, 2nd sentence, as enacted by PL 1979, c. 344, §3, is amended to read:

The certification hearing shall be confidential and shall be electronically or stenographically recorded.

Sec. 6. 34 MRSA §2659-B is enacted to read:

§2659-B. Continuation of treatment in a facility

1. Authority to continue treatment. A client who has been admitted to a facility by judicial certification, or who has been retained in a facility pursuant to this section, may continue extended care and treatment in that facility for an additional period, not to exceed 2 years, only after judicial certification under section 2659-A or after waiver of that process by the District Court as provided in this section. Waiver of the judicial certification process is not permitted for any mentally retarded person under public guardianship.

2. Waiver of judicial certification. A petition to waive judicial certification under section 2659-A may be filed in District Court by the facility where the client is residing. The court may waive judicial certification upon a finding that:

A. A prescriptive program plan, as provided in section 2655, has been agreed to by the superintendent of the facility and the guardian;

B. The guardian has been informed of and understands the nature, purpose and proposed duration of the admission and the provisions of section 2660 regarding the client's right to leave and the limitations on that right;

C. The guardian has consented to the continued extended care and treatment of the client in the facility; and

D. Continued care and treatment is necessary and there is no less restrictive alternative to the care and treatment provided by the facility, consistent with the best interest of the client.

Sec. 7. 34 MRSA §2665 is enacted to read:

§2665. Involuntary admission

Any client recommended for regular admission to a facility pursuant to section 2655 may be admitted as an involuntary patient. The procedure for involuntary admission to a mental retardation facility for care, training and treatment shall follow those procedures set forth in section 2334 for the involuntary commitment of mentally ill individuals, except that, where a finding of mental illness is required, a finding of mental retardation, as defined by section 2602, shall be substituted.

Effective July 13, 1982.

CHAPTER 646

S.P. 942 - L.D. 2083

**AN ACT to Amend the Banking Code
Regarding the Investment and Lending
Powers of Thrift Institutions and
Regarding Service Corporations.**

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

Sec. 1. 9-B MRSA §131, sub-§37, as amended by PL 1981, c. 352, §1, is further amended to read:

37. Service corporation. "Service corporation" means a corporation substantially all the activities of which consist of originating, purchasing, selling and servicing loans and participation interests therein; or clerical, bookkeeping, accounting and statistical or similar functions related to a financial institution or real estate activities; or management, personnel, marketing or investment counseling related to a financial institution or real estate activities; or establishing or operating one or more satellite facilities; or any activity authorized by the superintendent by regulation which activity has been authorized under federal law for service corporations owned or controlled by federally-chartered savings and loan associations or federally-chartered savings banks. The purpose of authorizing any such activity is to maintain competitive equality between federally-chartered and state-chartered insti-