

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

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

Whereas, the bank match program is "sunsetting" for April 1, 1986; and

Whereas, the program continually requires an Act of the Legislature; and

Whereas, the program has proven cost effective and efficient; 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. 9-B MRSA §161, sub-§2, ¶I, as amended by PL 1985, c. 311, §3, is further amended to read:

I. Any disclosure of records made pursuant to Title 22, section 16: ~~This paragraph is repealed on April 1, 1986; and; or~~

Sec. 2. 22 MRSA §16, sub-§3, as enacted by PL 1983, c. 784, §4, is repealed.

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

Effective April 14, 1986.

CHAPTER 669

H.P. 1600 - L.D. 2254

AN ACT Concerning Liability Insurance for Commercial Whitewater Outfitters.

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

Whereas, current state rules require commercial whitewater outfitters to have liability insurance; and

Whereas, such insurance is not currently available for purchase by Maine outfitters because insurance providers will not now write liability insurance policies for rafting activities; and

Whereas, outfitters required by state rules to have liability insurance who cannot purchase this insurance will not be able to operate unless the liability insurance requirement is abated until this insurance is again available for purchase; 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:

12 MRSA §7365, sub-§2-A is enacted to read:

2-A. Insurance requirements. The following applies to requirements for maintenance of liability insurance by commercial whitewater outfitters.

A. If at any time any liability insurance required by this subchapter or by rules promulgated in accordance with this subchapter is not available for purchase by a commercial whitewater outfitter, liability insurance may not be required of a commercial whitewater outfitter as a condition of licensure.

B. To be exempt from any statutory or regulatory requirement under this subchapter to obtain liability insurance, a commercial whitewater outfitter must:

(1) File a written statement with the commissioner certifying that liability insurance is not available for purchase; and

(2) Provide a written disclosure to passengers before a rafting trip that the outfitter does not have liability insurance. A written disclosure must be provided to passengers upon their requests for reserva-

tions. The disclosure must be conspicuous. A disclosure must be signed before a rafting trip by each passenger or by a parent or guardian of the passenger if the passenger is a minor and the signed disclosure must be placed on file by the outfitter for a period of one year.

Any exemption authorized under this subsection lapses at such time as liability insurance becomes available for purchase by the outfitter.

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

Effective April 14, 1986.

CHAPTER 670

H.P. 1609 - L.D. 2265

AN ACT to Conform State Income Tax Laws
Relative to Premature Retirement Plan
Distributions.

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

36 MRSA §5204-A is enacted to read:

§5204-A. Early distribution for individual retirement accounts

For taxable years beginning on or after January 1, 1986, the tax imposed under this Part on any individual whose federal income tax for any taxable year is increased pursuant to the United States Internal Revenue Code, Section 408(f), as a result of a distribution from an individual retirement account or under an individual retirement annuity shall be increased by an amount equal to 15% of the amount by which the individual's federal income tax was increased as a result of the distribution.

Effective July 16, 1986.
