

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

§160-A. Limited partnership as entity

A limited partnership may sue and be sued in its own name.

Sec. 2. 31 MRSA §290-A is enacted to read:

§290-A. Partnership as entity

A partnership may sue and be sued in its own name.

Effective September 29, 1987.

CHAPTER 93

H.P. 773 — L.D. 1036

**AN ACT to Amend the Election Laws Regarding
Persons Incarcerated in Correctional
Facilities.**

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

21-A MRSA §112, sub-§14 is enacted to read:

14. Persons incarcerated in correctional facilities. The residence of a person incarcerated in a correctional facility, as defined in Title 34-A, section 1001, does not include the municipality where a person is incarcerated unless the person had resided in that municipality prior to incarceration.

A person incarcerated in a correctional facility may apply to register to vote in any municipality where that person has previously had a fixed habitation and to which he intends to return.

Effective September 29, 1987.

CHAPTER 94

H.P. 113 — L.D. 138

**AN ACT Clarifying Municipal Home Rule
Authority as it Relates to Shoreland Areas.**

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

Sec. 1. 38 MRSA §435, 3rd ¶, as enacted by PL 1985, c. 737, Pt. A, §110, is amended to read:

Notwithstanding Pursuant to municipal home rule authority and notwithstanding the definition of shoreland areas in this section, the jurisdiction of municipal shoreland zoning ordinances may include any structure built on, over or abutting a dock, wharf, pier or other structure extending beyond the normal high water mark

of a water body. Municipalities may enact restrictions on that structure. Nothing in this paragraph may be construed to permit a municipality to regulate, under this chapter, a structure which is located more than 250 feet above the normal high water mark.

Sec. 2. 38 MRSA §435, as amended by PL 1985, c. 737, Pt. A, §110, is further amended by adding at the end a new paragraph to read:

All existing municipal ordinances dealing with the subjects of this section currently in effect and operation on April 18, 1986, are declared to be valid and shall continue in effect until rescinded, amended or changed according to municipal ordinance, charter or state law.

Effective September 29, 1987.

CHAPTER 95

S.P. 412 — L.D. 1270

**AN ACT to Amend the Requirements for
Individual Public Self-insurers under
the Workers' Compensation Act.**

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

Sec. 1. 39 MRSA §23, sub-§2, as amended by PL 1985, c. 779, §85, is further amended to read:

2. Proof of solvency and financial ability to pay; trust. By furnishing satisfactory proof to the Superintendent of Insurance of his solvency and financial ability to pay the compensation and benefits, and deposit cash, satisfactory securities or a security bond, with the Workers' Compensation Commission, in such sum as the superintendent may determine pursuant to subsection 6; such bond to run to the Treasurer of State and his successor in office, and to be conditional upon the faithful performance of this Act relating to the payment of compensation and benefits to any injured employee. In case of cash being deposited, it shall be placed at interest by the Treasurer of State, and the accumulation of interest on said cash or securities so deposited shall be paid to the employer depositing the same. The superintendent may at any time, upon not less than 3 days notice and following hearing, for cause deny to an employer the right to continue in the exercise of the option granted by this section.

As an alternative to the method described in the first paragraph of this subsection, an eligible employer may establish an actuarially funded trust, funded at a level sufficient to discharge those obligations incurred by the employer pursuant to this Act as they become due and payable from time to time, provided that the value of trust assets shall be at least equal to the present value of such incurred claims. The trust asset shall consist of cash or marketable securities of a type and risk charac-