

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
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Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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

CHAPTER 102

H.P. 356 — L.D. 459

AN ACT to Recognize Foreign Adoption Decrees.

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

19 MRSA §531, as amended by PL 1983, c. 262, §3, is further amended by adding at the end a new paragraph to read:

If an adoption in a foreign country has been finalized and the adopting parents are seeking an adoption under the laws of this State to give recognition to the foreign adoption, a judge of probate may enter a decree of adoption based solely upon a judgment of adoption in a foreign country.

Effective September 29, 1987.

CHAPTER 103

S.P. 413 — L.D. 1271

AN ACT to Assure Proper Notice of Workers' Compensation Claims.

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

Sec. 1. 39 MRSA §63, 2nd ¶, as amended by PL 1973, c. 788, §227, is further amended to read:

Such notice shall be given to the employer, or to one employer if there are more employers than one; or, if the employer is a corporation, to any official thereof; or to any employee designated by the employer as one to whom reports of accidents to employees should be made. It may be given to the general superintendent or to the foreman in charge of the particular work being done by the employee at the time of the injury. If the employee is self-employed, notice shall be given to the insurance carrier or to the insurance carrier's agent or agency with which the employer normally does business.

Sec. 2. **Application.** This Act applies only to persons injured on or after the effective date of this Act.

Effective September 29, 1987.

CHAPTER 104

H.P. 971 — L.D. 1314

AN ACT Concerning Housing for Hearing Ear Dogs and Seeing Eye Dogs.

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

Sec. 1. 17 MRSA §1312, sub-§§5 and 6 are enacted to read:

5. Housing accommodations; persons with guide dogs. Every blind or visually handicapped individual who has a sight-assistance animal, such as a guide dog, is entitled to full and equal access to all housing accommodations provided for in this section. Blind or visually impaired individuals may not be required to pay extra compensation to keep sight-assistance animals. A blind or visually impaired person shall be liable for any damages done to the premises by the animal.

6. Housing accommodations; definitions. "Housing accommodations," as used in this section, means any real property, or portion of real property, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single and multifamily rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

A. The rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or

B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation.

Sec. 2. 22 MRSA §3612, sub-§§5 and 6 are enacted to read:

5. Housing accommodations; persons with hearing-assistance animals. Every hearing impaired individual who has a hearing-assistance animal is entitled to full and equal access to all housing accommodations provided for in this section. Hearing impaired individuals may not be required to pay extra compensation to keep hearing-assistance animals. A hearing impaired person shall be liable for any damages done to the premises by the animal.

6. Housing accommodations; definitions. "Housing accommodations," as used in this section, means any real property, or portion of real property, which is used or occupied, or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings, including, but not limited to, public housing projects and all forms of publicly assisted housing, single and multifamily rental and sale units, lodging places, condominiums and cooperative apartments. "Housing accommodations" does not include:

A. The rental of a housing accommodation in a building which contains housing accommodations for not more than 2 families living independently of each other, if the owner or members of the owner's family reside in that housing accommodation; or

B. The rental of a room or rooms in a housing accommodation, if the rental is by the occupant of the housing accommodation or by the owner of the housing accommodation and the owner or members of the owner's family reside in that housing accommodation.

Effective September 29, 1987.

CHAPTER 105

H.P. 616 — L.D. 834

AN ACT Relating to the Appointment of Persons to Superintendent Positions Within the Department of Professional and Financial Regulation.

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

Whereas, current law requires the Superintendent of Banking, Superintendent of Insurance and Superintendent of Consumer Credit Protection within the Department of Professional and Financial Regulation to be reviewed by the joint standing committee of the Legislature having jurisdiction over business legislation; and

Whereas, the banking, insurance and consumer credit protection legislation is now referred to the recently created Joint Standing Committee on Banking and Insurance; and

Whereas, there are some appointments that need to be made to these positions during the First Regular Session of the 113th Legislature; and

Whereas, the Joint Standing Committee on Banking and Insurance is more appropriate than the Joint Standing Committee on Business Legislation to review the nominations to these positions; 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-A MRSA §6-103, as amended by PL 1985, c. 763, Pt. A, §48, is further amended to read:

§6-103. Administration

There is created and established the Bureau of Consumer Credit Protection within the Department of ~~Business~~ Professional and Financial Regulation. The Superintendent of Consumer Credit Protection is the head of Consumer Credit Protection. As used in this Act, "administrator" means the Superintendent of the Bureau of Consumer Credit Protection. He shall be appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over ~~business legislation~~ banking and insurance and to confirmation by the Legislature. He shall be appointed for a term of 5 years or until a successor is appointed and qualified. Any vacancy occurring shall be filled by appointment for the unexpired portion of the term. He may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature and Title 5, section 711, paragraph B, shall not apply. During his term of office the administrator shall engage in no other business or profession. The administrator's salary shall be paid from the General Fund.

Sec. 2. 9-B MRSA §211, sub-§1, as amended by PL 1981, c. 359, §4, is further amended to read:

1. Appointment; term; qualifications. The activities of the bureau shall be directed by a superintendent who shall be appointed by the Governor and subject to review by the ~~Joint Standing Committee on Business Legislation~~ joint standing committee of the Legislature having jurisdiction over banking and insurance and to confirmation by the Legislature. The superintendent shall hold office for a term of 5 years, or until his successor is appointed and qualified. The superintendent may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature, and Title 5, section 711, paragraph B, shall not apply. Any person appointed as superintendent shall have the knowledge of, or experience in, the theory and practice of banking.

Sec. 3. 24-A MRSA §201, sub-§2, as amended by PL 1981, c. 359, §5, is further amended to read:

2. The superintendent shall be appointed by the Governor and subject to review by the ~~Joint Standing Committee on Business Legislation~~ joint standing committee of the Legislature having jurisdiction over banking and insurance and to confirmation by the Legislature.

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

Effective May 12, 1987.

CHAPTER 106

H.P. 433 — L.D. 579

AN ACT to Facilitate Mutual Aid Agreements Between Municipal Police Departments.