

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
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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

after the effective date of this paragraph July 24, 1984.

Effective September 29, 1987.

CHAPTER 185

S.P. 309 — L.D. 888

AN ACT to Facilitate the Movement of Emergency Relief Vehicles.

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

Sec. 1. 29 MRSA §246-A, sub-§1, as amended by PL 1985, c. 523, §1, is further amended to read:

1. Application. Notwithstanding any other provision of law, a person owning, operating or causing operation of a vehicle on the highways of this State, subject to Title 36, chapter 453, 457, 459 or 463-A, shall apply to the Secretary of State for a fuel use identification decal for each vehicle covered by those reports or licensing requirement, except vehicles owned and operated by government agencies, vehicles bearing dealer registration plates pursuant to subchapter III-A and, recreational vehicles, and authorized emergency vehicles as defined in section 1, subsection 1-B, based in another jurisdiction and operating in or through this State in response to a declared emergency.

Sec. 2. 29 MRSA §260 is enacted to read:

§260. Authorized emergency vehicles

Authorized emergency vehicles as defined in section 1, subsection 1-B duly registered in another jurisdiction and operating in or through this State as a result of a declared emergency shall be exempt from further registration requirements.

Effective September 29, 1987.

CHAPTER 186

S.P. 419 — L.D. 1299

AN ACT Relating to the Capitalization of the Maine Capital Corporation.

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

Sec. 1. 10 MRSA §952, sub-§2, as amended by PL 1983, c. 700, §3, is further amended to read:

2. Investment limited. Its investment in any one Maine business firm shall be limited to a maximum of ~~20%~~ 25% of its equity capital;

The Maine Capital Corporation shall not invest in any firm in which a person, or his or her spouse or dependent children, owning common stock of the Maine Capital Corporation holds over a 25% interest;

Sec. 2. 10 MRSA §952, sub-§6, as amended by PL 1981, c. 364, §1, is further amended to read:

6. Payment of dividends. It shall not declare or pay any dividends to its shareholders during its first 5 years of operation and thereafter any dividends shall be paid only on common stock whose holders are not using the credit for investment in the Maine Capital Corporation allowed under Title 36, section 5216. Dividends paid shall be limited to a maximum of 50% of retained earnings, with the balance being reinvested according to subsections 1 and 2; and

Sec. 3. 10 MRSA §952, sub-§7, as amended by PL 1983, c. 700, §3, is further amended to read:

7. Financial statement. It shall cause to be prepared an audited financial statement, certified by an independent certified public accountant, within 60 days after the close of each fiscal year of its operations, which report shall be distributed to the Governor and the committee of the Legislature having jurisdiction over taxation and made available to the public, detailing its investment and financial activities; and

Sec. 4. 10 MRSA §952, sub-§8 is enacted to read:

8. Capitalization and capital. For purposes of this chapter, the terms "capitalization" and "capital" include both equity and debt capital.

Effective September 29, 1987.

CHAPTER 187

S.P. 460 — L.D. 1417

AN ACT Concerning the Affidavit of Paternity.

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

22 MRSA §2761, sub-§4, as amended by PL 1985, c. 683, is further amended to read:

4. Illegitimate child. Except as otherwise provided in this subsection, in the case of a child conceived and born out of wedlock, the name of the putative father shall not be entered on the certificate without his written consent and that of the mother. The signature of the putative father on the written consent shall be acknowledged before an official authorized to take oaths. ~~Within a reasonable time after the acknowledgment, the official taking the acknowledgment shall make a good faith effort to notify the mother of the child for whom paternity has been acknowledged. Notification shall be by~~

~~certified mail, return receipt requested, or by in hand notice. The signature of the mother on her written consent shall also be acknowledged before an official authorized to take oaths. If a determination of paternity has been made by a court of competent jurisdiction, then the name of the father as determined by the court shall be entered on the birth certificate without the father's or the mother's consent.~~

Effective September 29, 1987.

CHAPTER 188

H.P. 1154 — L.D. 1569

AN ACT to Amend Certain Election Laws.

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

Sec. 1. 21-A MRSA §111, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Residence. He must have established and maintain a voting residence in that municipality.

Sec. 2. 21-A MRSA §115, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Certain persons may not register or vote. A person under guardianship because of mental illness may not register or vote in any election, as provided in the Constitution of Maine, Article II, Section 1.

Sec. 3. 21-A MRSA §154, as amended by PL 1985, c. 383, §4, is further amended to read:

§154. Registration and enrollment for citizens outside the United States

1. Application. A person qualified to register under section 111, subsections 1 to 3 and 2 and section 751, subsection 8, who is outside the United States may register and enroll by filing a federal postcard application or an application designed by the Secretary of State and provided by the registrar containing the following information:

- A. First name, middle name or initial and last name, or first name or initial, middle name and last name;
- B. Residence address, including street, street number, apartment number, town, county and zip code;
- C. Mailing address;
- D. Date of birth;
- E. Last domicile immediately before departure from the United States;

F. Voting district of the last domicile within the United States;

G. Whether a citizen by birth or naturalization; if by naturalization, the date, place and court of naturalization;

H. Notification that failure to complete the entire application may prevent registration;

I. Passport or identity card registration number;

J. Signature;

K. Certification that all information is correct, sworn before a diplomatic or consular official of the United States or before the master of a United States vessel of 1,000 tons or more;

L. Date of application;

M. Date of registration; and

N. Choice of political party if the registrant wishes to enroll.

Sec. 4. 21-A MRSA §501, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. In a city. In a city, the election selection, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter. Additional duties are prescribed by this Title.

Sec. 5. 21-A MRSA §604-A is enacted to read:

§604-A. Flexibility for combining election ballots

Notwithstanding any other provision of this Title, the Secretary of State may make suitable arrangement for the printing of candidate, referendum and municipal election ballots on a single paper ballot or ballot card used in conjunction with electronic voting systems. The Secretary of State may only allow such a combination if he finds that it is in the interest of the election process and that it will not contribute to voter confusion or unreasonable administrative difficulties.

Sec. 6. 21-A MRSA §698, sub-§2, as amended by PL 1985, c. 614, §19, is further amended to read:

2. Ballots replaced in containers. The election clerks shall place the sealed packages of used ballots, envelopes containing challenge certificates, unused ballots, spoiled ballots, defective ballots, void ballots, used and unused absentee ballots, used absentee envelopes and used absentee applications in the containers in which the regular ballots were delivered, except that referendum ballots may be sealed in separate containers. They shall then seal the containers publicly. The total number of used ballots, unused ballots, spoiled ballots, defective ballots and absentee ballots must equal the number of ballots