

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

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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

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Consumer. "Consumer" means a natural person who purchases or contracts to purchase consumer goods.

2. Consumer goods. "Consumer goods" means any objects, wares, commodities or services offered for sale and intended to be used by consumers for personal, family or household purposes.

3. Manufacturer rebate. "Manufacturer rebate" means any offer or promise that a manufacturer or distributor will refund to a consumer all or a portion of the price paid by the consumer for the purchase of consumer goods.

§1232. Availability of rebate forms

Any persons, firm, partnership, corporation or association which causes to be advertised by means of a newspaper advertisement, circular, television or radio announcement, in-store promotion or otherwise, the availability of a manufacturer's rebate form shall have available to the consumer at the time of advertising and promotion and make available to the purchaser at the time of sale the appropriate manufacturer's rebate form. This form, or a notice as to its location, shall be located with the merchandise to which it pertains. Forms which have expired shall be removed from consumer availability in a timely fashion.

§1233. Violations

1. Private remedy. If the court finds in any action commenced under this chapter that the manufacturer or distributor or its agents violated section 1232, it shall award to the petitioner an amount not less than \$100.

2. Unfair trade practice. A violation of this chapter constitutes a violation of Title 5, chapter 10.

Effective September 29, 1987.

CHAPTER 205

H.P. 59 — L.D. 62

AN ACT to Assure Responsibility in Regulatory Decision Making.

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

38 MRSA §342, sub-§1-A, as enacted by PL 1983, c. 483, §2, is amended to read:

1-A. Administration of department. He shall be the chief administrative officer of the Department of Environmental Protection and responsible for all adminis-

trative matters of the department. It is the responsibility of the commissioner to assure that all determinations made by the staff of the department are promptly rendered. It is the responsibility of the commissioner to resolve disputes between department staff and applicants with respect to any questions regarding requirements, interpretation or application of the laws, rules or department policy. In resolving disputes, the commissioner shall attempt to reach a fair and appropriate result given all of the circumstances of the issue before him and may utilize the services of such consultants or experts as he determines would be helpful to resolve any disputed issue.

Effective September 29, 1987.

CHAPTER 206

H.P. 1011 — L.D. 1364

AN ACT to Require Safety Engineering and Loss Control in Workers' Compensation Insurance Rate-making Proceedings.

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

Sec. 1. 39 MRSA §22-C, sub-§6, ¶B, as reallocated by PL 1983, c. 816, Pt. B, §23, is amended to read:

B. In determining if the proposed rates are just and reasonable, the superintendent shall consider:

- (1) The profit factor used in establishing the rate requested and its relationship to the return on the investment allocable to the coverage of risks in this State;
- (2) The reported investment income earned or realized from funds generated from business in this State;
- (3) The reported loss reserves, including the methods and the interest rates used in determining the present value for reported reserves;
- (4) Reported annual losses and loss adjustment expenses;
- (5) The adequacy and effect of measures taken to contain costs, including loss control, loss adjustment and employee safety engineering programs;
- (6) The relationship of the aggregate amount of operating expenses reported by all companies to the annual operating expenses reported in the filing and the annual insurance expense exhibits filed by each company with the bureau; and
- (7) The operating and management efficiency of the companies.

Sec. 2. 39 MRSA §22-D, sub-§7, ¶B, as enacted by PL 1985, c. 372, Pt. B, §8, is amended to read:

B. In establishing just and reasonable rates, the superintendent shall consider:

- (1) The reasonableness of any return on capital and surplus allocable to the coverage of risks in this State;
- (2) The reasonableness of the amounts of capital and surplus allocable to the coverage of risks in this State;
- (3) The reported investment income earned or realized from funds generated from business in this State;
- (4) The reported loss reserves, including the methods and the interest rates used in determining the present value for reported reserves;
- (5) The reported annual losses and loss adjustment expenses;
- (6) The adequacy and effect of measures taken to contain costs, including loss control, loss adjustment and employee safety engineering programs;
- (7) The relationship of the aggregate amount of operating expenses reported by all companies to the annual operating expenses reported in the filing and the annual insurance expense exhibits filed by each company with the bureau; and
- (8) The operating and management efficiency of the companies.

Effective September 29, 1987.

CHAPTER 207

H.P. 1092 — L.D. 1483

AN ACT to Repeal Loyalty Oaths for Civil Emergency Preparedness Personnel.

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

37-B MRSA §833, as enacted by PL 1983, c. 460, §3, is repealed.

Effective September 29, 1987.

CHAPTER 208

H.P. 1094 — L.D. 1485

AN ACT to Clarify Existing Law Regarding the Loss of Military Property.

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

Sec. 1. 37-B MRSA §266, sub-§1, as amended by PL 1983, c. 594, §12, is repealed and the following enacted in its place:

1. Destruction of equipment. The penalties for destruction of equipment are as follows.

A. Any person who knowingly or recklessly destroys, injures or defaces any article of military property belonging to the State or the United States, or uses it for an unauthorized purpose, or has or retains the property in violation of law or rule is guilty of a Class E crime.

B. In case an officer or enlisted man of the state military forces through carelessness or inattention loses, destroys or causes the loss or destruction of government property which has been issued for his use, the Adjutant General shall retain, out of the pay, allowances or money due the officer or enlisted man for any military services an amount equal to the value of the property lost or destroyed. That portion of the money which is for state property shall be turned in to the Treasurer of State and credited to the Military Fund. That portion which is for United States property shall be turned into the United States Treasury and credited to the State on its property returns.

Sec. 2. 37-B MRSA §266, sub-§2, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

2. Equipment not to be sold. Except as otherwise provided by law, the clothes, arms, military outfits and accoutrements furnished by or through the State to any member of the state military forces shall not be sold, bartered, exchanged, pledged, loaned or given away. Any unauthorized person who has possession of clothes, arms, military outfits or accoutrements furnished as a result of unlawful disposition shall have no right, title or interest in them. Those items may be seized as contraband by a civil officer of the State and shall be delivered to a commanding officer or other officer authorized to receive them, who shall make an immediate report to the Adjutant General. The possession of the clothes, arms, military outfits or accoutrements by any person not a member of the military forces of the State or of the United States shall be prima facie evidence of unauthorized sale, barter, exchange, pledge, loan or gift.

A. Any person who knowingly sells or offers for sale, barters, exchanges, pledges, loans or gives away, secretes or who retains, after demand made by any civil or military officer of the State, any clothes, arms, military outfits or accoutrements furnished by or through the State to a member of the state military forces is guilty of a Class E crime.