

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

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C. “Optional equipment” means equipment, protective coatings, special features, appliances, parts or accessories added to a new motor vehicle by the dealer, or that are added by specific request of the dealer, which the customer purchases and which are not included in the manufacturer’s suggested retail price.

Sec. 2. 29 MRSA §2352, sub-§1, ¶E, as enacted by PL 1985, c. 401, §16, is amended to read:

E. Vehicle dealers licensed pursuant to this Title shall not charge, for titling purposes, fees in excess of those described in this section.

All other fees charged for document processing shall be disclosed to any purchaser prior to the final sale of any vehicle and shall be clearly posted on any vehicle to which the charge applies.

Failure to comply with this subsection is a Class E crime.

Effective September 29, 1987.

CHAPTER 230

H.P. 1202 — L.D. 1640

AN ACT to Clarify the Definition and Application of Active State Service in the Defense Laws.

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

Sec. 1. 37-B MRSA §101-A is enacted to read:

§101-A. Definitions

1. Active state service. As used in this Title, “active state service” means all military duty performed as a member of the state military forces in a pay status described in section 143 by order of the Governor under this Title or performed under the United States Code, Title 32.

2. Military forces. “Military forces” means the state military forces, as defined in section 102.

Sec. 2. 37-B MRSA §402, sub-§§2 and 6, as enacted by PL 1983, c. 460, §3, are repealed and the following enacted in its place:

2. Active service. Active service is defined in section 101-A, subsection 1.

6. Military forces. Military forces is defined in section 101-A, subsection 2.

Effective September 29, 1987.

CHAPTER 231

H.P. 1203 — L.D. 1641

AN ACT to Simplify the Method of Enforcing Health Benefit Liens.

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

26 MRSA §629-B, sub-§7, as enacted by PL 1985, c. 660, is amended to read:

7. Lien. Whoever loses wages or medical benefits due to an employer’s violation of this section shall have a lien against the employer’s ~~property or assets~~ real estate or personal property for the full amount of the wages wrongfully withheld and the medical benefits for which the employer is liable under this section. ~~The lien shall be created and enforced as provided in Title 10, chapter 603 for mechanics’ liens.~~

A. The lien shall be created by filing the statement described in this subsection in the appropriate place for filing an execution lien on real property, personal property or motor vehicles under Title 14, section 4651-A. The statement filed must contain:

- (1) A statement of the amount of wages or medical benefits claimed to have been lost;
- (2) The name and address of the employer and the name and address of the person claiming the loss of wages or benefits; and
- (3) A recital that by virtue of the loss a lien is claimed on the real estate or personal property of the employer for the amount of the claim.

The statement must be subscribed and sworn to by the person claiming the lien or by someone on his behalf. Upon the filing of the statement, the amount claimed in the statement shall constitute a lien upon the property for which the statement is filed.

B. A lien created under this subsection is void 20 days after the date on which the statement described in paragraph A was filed unless, within the 20-day period, the person claiming the lien or someone on his behalf notifies the employer, by certified or registered mail sent to the employer’s last known address, of the existence of the lien. The notice must contain the following:

- (1) The fact that a lien has been filed;
- (2) The date and place the lien was filed;
- (3) The amount of the claim on which the lien is based;

(4) The name of the person making the claim and his attorney, if any, including their addresses; and

(5) The following statement: "To dissolve this lien, please contact (the person making the claim or his attorney). A bond may be given to the claimant to replace the lien."

C. A lien created under this subsection is void 90 days after the date on which the statement described in paragraph A was filed unless, within the 90-day period, an action to enforce the lien is commenced and a clerk's certificate of the commencement of the action is filed in the place where the statement is filed. Upon the filing of the clerk's certificate, the lien shall continue until a final judgment. Thereafter, extensions of the lien shall be governed by the provisions for extensions of attachments in Title 14, section 4601.

D. An employer may, at any time after he receives notice of a lien under paragraph B, give bond, with sufficient sureties, in the amount of the claim to the person claiming the lien. Within 7 days of receipt of the bond, the person claiming the lien or someone on his behalf shall discharge the lien.

Effective September 29, 1987.

CHAPTER 232

S.P. 543 — L.D. 1645

AN ACT Relating to Qualifications for a Hotel Liquor License.

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

28-A MRSA §1061, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. Required number of sleeping rooms. Except as provided in paragraph C, each hotel must be equipped with at least the required number of adequate sleeping rooms. These rooms must be in addition to the rooms used by the owner or the employees.

A. The number of rooms required is based on the population of the municipality in which the hotel is located.

(1) If the hotel is located in a municipality of 3,000 or less population, the hotel must have at least 14 adequate sleeping rooms.

(2) If the hotel is located in a municipality of more than 3,000, but not more than 7,500 population, the hotel must have at least 20 adequate sleeping rooms.

(3) If the hotel is located in a municipality of more than 7,500 or more population, the hotel must have

at least 30 adequate sleeping rooms.

B. Any increase in population as shown by a subsequent Federal ~~census~~ Census does not affect the eligibility for license of premises licensed before that census.

C. The room requirements of this subsection do not apply to:

(1) With respect to number of rooms, premises licensed on August 13, 1947; or

(2) With respect to the 14-room requirement, premises licensed during 1969.

Effective September 29, 1987.

CHAPTER 233

S.P. 339 — L.D. 994

AN ACT to Coordinate the Review Process of the Department of Environmental Protection and Maine Land Use Regulation Commission.

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

38 MRSA §1478, sub-§3-A is enacted to read:

3-A. Maine Land Use Regulation Commission. For facilities proposed to be located within areas subject to the jurisdiction of the Maine Land Use Regulation Commission and reviewed by the board under this subchapter, the reviewing agency shall be the board and no permit or other approval may be required from the commission.

In reviewing facilities proposed within the commission's jurisdiction, the board shall ensure that:

A. There will not be adverse effects on the resources or uses of areas zoned as protection subdistricts; and

B. The public health and safety will be protected.

Effective September 29, 1987.

CHAPTER 234

S.P. 422 — L.D. 1302

AN ACT to Modify the State's Appeal Law to Permit Appeals of Adverse Intermediate Appellate Court Rulings by the State.

Emergency preamble. Whereas, Acts of the Legis-