

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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Twin City Printery
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PUBLIC LAWS

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means any application of any pesticide for hire under contract or for which compensation is received or any application of a pesticide to a property open to use by the public.

Sec. 3. 22 MRSA §1471-C, sub-§24, as enacted by PL 1975, c. 397, §2, is amended to read:

24. Under the direct supervision of a certified applicator. "Under the direct supervision of a certified applicator," unless otherwise prescribed by its labeling, means the act or process by which a pesticide is applied by a competent person acting under the instructions and control of a certified applicator who is available, if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied. In the case of an application made by a commercial applicator, the certified applicator must be physically present at the time and on the site of the application.

Effective September 29, 1987.

CHAPTER 244

S.P. 274 — L.D. 784

AN ACT Relating to Check Cashing.

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

10 MRSA c. 202-A is enacted to read:

CHAPTER 202-A

PAYMENT BY NEGOTIABLE INSTRUMENT

§1131. Limitation on requests for certain types of identification

No person accepting a negotiable instrument as payment in full or in part for goods or services may require the payor to use a bank credit card as a form of identification if the payor does not possess a bank credit card. This section does not limit the other reasonable forms of identification a payee may require before accepting a negotiable instrument.

Effective September 29, 1987.

CHAPTER 245

H.P. 649 — L.D. 877

AN ACT to Require the Use of Seat Belts for Children 12 Years of Age and Younger.

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

29 MRSA §1368-C is enacted to read:

§1368-C. Use of seatbelts; children 4 to 12 years of age

1. Children 4 to 12 years of age. When a child 4 years of age or older, but less than 12 years of age, is a passenger in a motor vehicle, which is required by the United States Department of Transportation to be equipped with seat belts, the operator of the motor vehicle shall have the child properly secured in a seat belt or in a child safety seat that meets the requirements set out in 49 Code of Federal Regulations, Part 571.

2. Exception. Subsection 1 does not apply when the number of passengers exceeds the seating capacity of the vehicle.

3. Warnings. Any person stopped for a violation of this section, during the initial 6 months after this section takes effect, shall be issued a warning that a violation of this section has occurred.

4. Penalty. Following the initial 6-month warning period, violation of this section is a civil violation for which a forfeiture of \$25 for the first violation and \$50 for each subsequent violation may be adjudged.

5. Failure to secure child; use as evidence. Failure to secure a child, in accordance with this section, may not be considered negligence imputable to the child, nor may that failure be admissible as evidence in any civil or criminal action.

Effective September 29, 1987.

CHAPTER 246

S.P. 283 — L.D. 793

AN ACT to Provide a Bill of Rights for Persons with Long-term Mental Illness.

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

Sec. 1. 34-B MRSA §3003, sub-§2, ¶¶J and K, as enacted by PL 1983, c. 459, §7, is amended to read:

J. The right to assistance in protecting a right or advocacy service in the exercise or protection of a right; and

K. Provisions for a fair, timely and impartial grievance procedure for the purpose of ensuring appropriate administrative resolution of grievances with respect to infringement of rights; and

Sec. 2. 34-B MRSA §3003, sub-§2, ¶L is enacted to read:

L. To the extent that state and community resources

are available, establishment of the rights of long-term mentally ill clients containing the following requirements:

- (1) The right to a service system which employs culturally normative and valued methods and settings;
- (2) The right to coordination of the disparate components of the community service system;
- (3) The right to individualized developmental programming which recognizes that each long-term mentally ill individual is capable of growth or slowing of deterioration;
- (4) The right to a continuum of community services allowing a gradual transition from a more intense level of service; and
- (5) The right to the maintenance of natural support systems, such as family and friends of the long-term mentally ill individual and formal and informal networks of mutual and self-help.

Sec. 3. 34-B MRSA §3601, sub-§§1-A and 1-B are enacted to read:

1-A. Case management services. "Case management services" means those services which assist an individual in gaining access to and making effective use of the range of medical, psychological and other related services available to them.

1-B. Long-term mentally ill. "Long-term mentally ill" means persons who suffer certain mental or emotional disorders, such as organic brain syndrome, schizophrenia, recurrent depressive and manic-depressive disorders, paranoid and other psychoses, plus other disorders which may become chronic, that erode or prevent the capacities in relation to 3 or more of the primary aspects of daily life, such as personal hygiene and self-care, self-direction, interpersonal relationships, social transactions, learning, recreation and economic self-sufficiency. While these persons may be at risk of institutionalization, there is no requirement that these persons are or have been residents of institutions providing mental health services.

Effective September 29, 1987.

CHAPTER 247

H.P. 83 — L.D. 86

AN ACT to Divest State Pension Funds from those Businesses or Corporations doing Business in the Republic of South Africa and Namibia.

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

Sec. 1. 5 MRSA §135, first ¶, as amended by PL 1985, c. 757 and c. 785, Pt. A, §6, is repealed and the following enacted in its place:

The Treasurer of State may deposit the money, including trust funds of the State, in any of the banking institutions or trust companies or state or federal savings and loan associations or mutual savings banks organized under the laws of this State or in any national bank or banks or state or federal savings and loan associations located in the State, except as provided in chapter 161. When there is excess money in the State Treasury which is not needed to meet current obligations the Treasurer of State may, with the concurrence of the State Controller or the Commissioner of Finance and with the consent of the Governor, invest those amounts in bonds, notes, certificates of indebtedness or other obligations of the United States which mature not more than 24 months from the date of investment or in repurchase agreements secured by obligations of the United States which mature within the succeeding 24 months, prime commercial paper, tax-exempt obligations or banker's acceptances. The Treasurer of State may participate in the securities loan market by loaning state-owned bonds, notes or certificates of indebtedness of the Federal Government, provided that the loans are fully collateralized by treasury bills or cash. The Treasurer of State shall seek competitive bids for investments except when, after a reasonable investigation, it appears that an investment of the desired maturity is procurable by the State from only one source. Interest earned on those investments of money shall be credited to the respective funds, except that interest earned on investments of special revenue funds shall be credited to the General Fund of the State. Interest earned on funds of the Department of Inland Fisheries and Wildlife shall be credited to that fund. Interest earned on funds of the Baxter State Park Authority shall be credited to the Baxter State Park Fund. This section shall not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of such state funds as may be required by the terms of custodial contracts or agreements as may be negotiated in accordance with the laws of this State. All custodial contracts and agreements shall be subject to the approval of the Governor.

Sec. 2. 5 MRSA §138, first ¶, as amended by PL 1985, c. 785, Pt. A, §7, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance, the Bank Superintendent and the Attorney General, shall invest all permanent funds held in trust by the State in such securities as are legal investments for savings banks under Title 9-B, except as provided in chapter 161. This section shall not apply to the fund of the Employees' Retirement System or the fund arising from the lands reserved for public uses.

Sec. 3. 5 MRSA §139, first ¶, as amended by PL 1985, c. 785, Pt. A, §10, is further amended to read: