

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

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Human Services and the Commissioner of Educational and Cultural Services, the Secretary of State and the Attorney General shall serve as ex officio members. The ex officio members shall appoint persons in major policy-influencing positions as their designees to represent them at meetings of the commission with voting privileges. The committee commission members shall serve at the pleasure of the Governor and shall be compensated in accordance with Title 5, chapter 379. The committee commission shall stimulate active support for highway safety measures and programs and shall advise the Department of Public Safety regarding these issues; and. The commission shall annually report its findings and recommendations, including any necessary implementing legislation, to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government; and

Sec. 4. 29 MRSA §2246, 2nd ¶, as amended by PL 1983, c. 812, §177, is further amended to read:

The Secretary of State shall appoint the Advisory and Review Board and the board shall consist of the Chief of the State Police or his designee, representatives of the District Courts, district attorneys, Motor Vehicle Department, Maine Highway Safety Committee Commission, Maine Trial Lawyers Association, insurance industry, Maine State Bar Association, Maine Municipal Association, Maine Chiefs of Police Association, the Maine Sheriffs Association and the Highway Users Conference. Except for the Chief of the State Police, or his designee, who shall be a permanent member of the board, appointments shall be for terms concurrent with the term of the Secretary of State by whom they shall be appointed. Board members shall be compensated according to the provisions of Title 5, chapter 379.

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

Effective June 10, 1987.

CHAPTER 252

H.P. 1223 — L.D. 1668

AN ACT Concerning Mental Stress Claims Under the Workers' Compensation Act.

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

39 MRSA §51, sub-§3 is enacted to read:

3. Mental injury caused by mental stress. Mental injury resulting from work-related stress does not arise out of and in the course of employment unless it is demonstrated by clear and convincing evidence that:

A. The work stress was extraordinary and unusual in comparison to pressures and tensions experienced

by the average employee; and

B. The work stress, and not some other source of stress, was the predominant cause of the mental injury.

The amount of work stress shall be measured by objective standards and actual events rather than any misperceptions by the employee.

A mental injury is not considered to arise out of and in the course of employment if it results from any disciplinary action, work evaluation, job transfer, layoff, demotion, termination or any similar action, taken in good faith by the employer.

Effective September 29, 1987.

CHAPTER 253

H.P. 1225 — L.D. 1672

AN ACT to Modify the Electric Fuel Clause.

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

Sec. 1. 35-A MRSA §3101, sub-§5, as enacted by PL 1987, c. 141, §6, is repealed.

Sec. 2. **Report.** The Public Utilities Commission shall report before January 1, 1988, to the Joint Standing Committee on Utilities on progress made in negotiating revised accounting methods with the major electric utilities to achieve the goals of minimizing fuel costs and moving electric use to off-peak hours.

Effective September 29, 1987.

CHAPTER 254

H.P. 1224 — L.D. 1669

AN ACT to Hold Employees of Licensees Civilly Liable for Knowingly Selling Liquor to Minors.

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

28-A MRSA §2084 is enacted to read:

§2084. Sales by agent of licensee to minors

Any agent of a licensee who sells liquor to a person when he knows or should know that that person is a minor commits a civil violation for which a forfeiture of not more than \$500 may be adjudged.

Effective September 29, 1987.