

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

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 3. 21-A MRSA §737, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. When deposit is required. A deposit is not required if the percentage difference shown by the official tabulation is:

A. 10% or less if the combined vote for the 2 candidates is 1,000 or less, otherwise a deposit of \$150 is required;

B. 5% or less if the combined vote for the 2 candidates is 1,001 to 5,000, otherwise a deposit of \$200 is required;

C. 4% or less if the combined vote for the 2 candidates is 5,001 to 10,000, otherwise a deposit of \$250 is required;

D. 3% or less if the combined vote for the 2 candidates is 10,001 to 50,000, otherwise a deposit of \$300 is required;

E. 1% or less if the combined vote received by the 2 candidates is 50,001 to 100,000, otherwise a deposit of \$500 is required; or

F. 1/2 of 1% or less if the combined vote received by the 2 candidates is 100,001 or over, otherwise a deposit of \$1,000 is required.

All deposits required by this section must be made with the Secretary of State when the recount is requested. This deposit, made by the candidate requesting the recount, is forfeited to the State if the recount has begun and it fails to change the result of the election. If the recount reverses the election, the deposit shall be returned to the candidate requesting the recount.

All deposits required under this section are in addition to any deposit required for a ballot inspection.

Sec. 4. 30 MRSA §2063, first ¶ is amended to read:

Upon written application of any candidate for a municipal office within 3 days after the result of a city election or an election under section 2061 has been declared, the clerk shall permit him or his agent to inspect the ballots under proper protective regulations, subject to the following provisions.

Sec. 5. 30 MRSA §2063, sub-§§4 and 5 are enacted to read:

4. Percentage difference. For purposes of this section, "percentage difference" means the percentage of the total vote for an office represented by the difference between the votes received by the candidate requesting a ballot inspection and the votes received by the nearest winning candidate.

5. When deposit is required. A deposit is not re-

quired if the percentage difference shown by the official tabulation is:

A. Ten percent or less if the combined vote for the 2 candidates is 1,000 or less, otherwise a deposit of \$150 is required;

B. Five percent or less if the combined vote for the 2 candidates is 1,001 to 5,000, otherwise a deposit of \$200 is required;

C. Four percent or less if the combined vote for the 2 candidates is 5,001 to 10,000, otherwise a deposit of \$250 is required;

D. Three percent or less if the combined vote for the 2 candidates is 10,001 to 50,000, otherwise a deposit of \$300 is required;

E. One percent or less if the combined vote received by the 2 candidates is 50,001 to 100,000, otherwise a deposit of \$500 is required; or

F. Half of one percent or less if the combined vote received by the 2 candidates is 100,001 or over, otherwise a deposit of \$1,000 is required.

All deposits required by this section must be made with the municipal clerk when the ballot inspection is requested. This deposit, made by the candidate requesting the ballot inspection, is forfeited to the municipality if the ballot inspection has begun and it fails to result in a recount which changes the result of the election. If a recount following the ballot inspection reverses the election, the deposit shall be returned to the candidate requesting the ballot inspection.

Effective September 29, 1987.

CHAPTER 259

S.P. 464 — L.D. 1421

AN ACT to Simplify Fees for Certified Copies of Divorce Reports.

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

Sec. 1. 22 MRSA §2804, as amended by PL 1967, c. 186, §3, is further amended to read:

§2804. — — index

The Registrar of Vital Statistics shall prepare and keep an alphabetical index, by the names of both parties, of all annulments and divorces reported. When requested, the registrar shall cause a search to be made of his files for the record of any divorce or annulment and shall furnish a copy thereof. The fee for such search and copy shall be \$2, payable in advance reasonably reflect the cost of

the service, as specified in section 9, subsection 1.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds accruing to the Department of Human Services to carry out the purposes of this Act.

	1987-88	1988-89
<u>HUMAN SERVICES,</u>		
<u>DEPARTMENT OF</u>		
Bureau of Administrative Services		
Division of Vital Statistics		
All Other	\$13,500	\$18,000
Effective September 29, 1987.		

CHAPTER 260

H.P. 1068 — L.D. 1451

AN ACT Concerning the Authority of the Attorney General to Request Telephone Records.

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

5 MRSA §200-B, as amended by PL 1985, c. 393, is further amended to read:

§200-B. Authority of Attorney General to request telephone records

Whenever the Attorney General, a deputy attorney general or a district attorney has reasonable grounds to believe that the services of furnished to a person or to a location by a public utility, as defined in Title 35, section 15, subsections 17 and 19, whether or not subject to the jurisdiction of the Maine Public Utilities Commission, as defined in Title 35, section 15, subsections 17 and 19, furnished to a person or to a location, is and that such public utility services are being or may be used for, or to further, an unlawful purpose, he may demand, in writing, all the records in the possession of such public utility relating to such service. Upon a showing of cause to any Justice of the Supreme Judicial Court or the Superior Court or Judge of the District Court, the justice or judge shall approve the demand. Such showing shall be by the affidavit of any law enforcement officer. Upon receipt of such demand, approved by such justice or judge, such public utility shall forthwith deliver to the person making the request all the records or information in compliance with the demand. If the person making request demands that the public utility not release the fact of the request or that records will be or have been supplied, the public utility shall not, without court order release such fact or facts. No such public utility or employee thereof may be criminally or civilly responsible for furnishing any records or information in compliance with the demand.

Effective September 29, 1987.

CHAPTER 261

H.P. 1124 — L.D. 1527

AN ACT Relating to Nonrenewal of an Automobile Insurance Policy Due to Accidents Involving Property Damage.

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

24-A MRSA §2916-A, sub-§2, as enacted by PL 1979, c. 336, §1, is amended to read:

2. Accidents. When a named insured or any other person who operates a motor vehicle insured under the policy is individually or are aggregately involved in 2 or more vehicle accidents while operating a motor vehicle insured under the policy, resulting in either personal injury or property damage in excess of ~~\$300~~ \$500. For the purpose of this subsection any of the following occurrences involving a motor vehicle operated by a named insured or such other person shall not be considered an accident when:

- A. The motor vehicle was struck from the rear;
- B. The motor vehicle was struck while parked;
- C. Only the operator of another motor vehicle involved in the accident was convicted of a crime, offense or violation contributing to the accident; or
- D. The named insured or other operator of the motor vehicle insured under the policy or the insurer thereof, was reimbursed by or on behalf of, a person responsible for the accident or has a judgment against that person.

When more than one motor vehicle in a household is insured by the same insurer, the number of accidents which would permit nonrenewal shall, for the aggregate, be increased by one for each additional motor vehicle insured.

Effective September 29, 1987.

CHAPTER 262

H.P. 863 — L.D. 1164

AN ACT Concerning Proof of Insurance on School Buses.

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

29 MRSA §52-A, first ¶, as amended by PL 1979, c. 591, is further amended to read:

With the approval of the municipal officers of a municipality, the Secretary of State may appoint municipal tax