

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
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Twin City Printery
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1987

PUBLIC LAWS

OF THE

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1987

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

collectors, or such other persons as a municipality may designate to collect excise taxes on vehicles, as agents to receive applications for the registration and the renewal of registrations of motor vehicles, trailers and semitrailers. Municipal agents so appointed may be authorized to issue both registrations and renewals of registrations, or their authority may be limited to the issuance of renewals only. Those agents authorized to issue both registrations and renewals may issue registrations for trucks not registered for over 6,000 pounds g.v.w., automobiles, trailers, semitrailers and farm tractors, and may issue renewals for automobiles, trailers, semitrailers, trucks and farm tractors in which there is no change from the previous registration in the status of the vehicle to include the registered gross weight, axles or any other change in the status defined by the Secretary of State, provided these vehicles are not for hire. Those agents authorized to issue new registrations may also register trucks of greater gross weight after having satisfactorily participated in special training as prescribed by the Secretary of State. Agents authorized to issue renewals only may issue renewals for automobiles, trailers, semitrailers, trucks and farm tractors in which there is no change from the previous registration in the status of the vehicle to include the registered gross weight, axles or any other change in status defined by the Secretary of State, provided these vehicles are not for hire. Agents may also issue renewals for school buses operated by school administrative units or private contractors. The agents may charge any applicant a fee not to exceed \$1 over and above the required registration fee for each renewal issued and a fee not to exceed \$2 in the case of each new registration issued, the service charges to be retained by the municipality.

Effective September 29, 1987.

CHAPTER 263

S.P. 501 — L.D. 1518

AN ACT to Clarify the Law Regarding Prohibition of Employment Penalties or Interference Against State Military Force Members.

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

Sec. 1. 37-B MRSA §342, sub-§5, as amended by PL 1983, c. 594, §17, is repealed and the following enacted in its place:

5. Employment; leave of absence. It is unlawful for any public or private employer to penalize any member of the state military forces, including the Maine Army and Air National Guard, with regard to compensation, hiring, tenure, terms, conditions, or privileges of employment or to take any other incident or advantage of employment due to the employee's membership or participation in the state military forces.

A. Any person, including an employer described in this subsection, who willfully deprives a member of the state military forces, including the Maine Army and Air National Guard, of his employment, prevents his employment, interferes with his employment rights as described in this subsection, or otherwise obstructs him or his employer with respect to his occupation or business because of his membership in the state military forces, or who dissuades any person from enlisting in the state military forces by threat of injury to his occupation or business, is guilty of a Class E crime.

B. All officials and employees of the State who are members of the state military forces, or reserves of the United States Armed Forces, shall have a leave of absence from their respective duties, without loss of pay or time, when engaged in all annual training duty days authorized by the Governor or under federal laws and regulations and without loss of time or leave on all inactive duty, full-time training duty and active duty training days during which the members are so engaged.

Sec. 2. 37-B MRSA §403, sub-§1, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

1. Active member. All members of the state military forces who are not in federal active service under the United States Code, Title 10, are subject to the Maine Code of Military Justice.

A. This code applies to members of the state military forces serving out-of-state and while going to and returning from service out-of-state to the same extent as a person serving within the State.

B. Offenses committed outside the State may be tried and punished either inside or outside the State subject to section 418.

Effective September 29, 1987.

CHAPTER 264

S.P. 560 — L.D. 1673

AN ACT Concerning Liability Insurance Coverage for Amusement Devices.

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

8 MRSA §502, 2nd ¶, as amended by PL 1983, c. 328, is further amended to read:

No traveling circus, traveling amusement show or amusement device shall ~~may~~ operate or exhibit any parade, show or entertainment in this State without first paying a license fee for each calendar year. Application for the license shall be made to the Commissioner of Pub-