

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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PUBLIC LAWS

OF THE

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1987

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 deny 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-

lic Safety and shall contain the name of the person or corporation using or operating the traveling circus, traveling amusement show or amusement device, and a statement of proposed territory within the limits of the State, and names of the cities and towns in which the traveling circus, traveling amusement show or amusement device is to operate or exhibit. No traveling circus or traveling amusement show or amusement device shall may exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, in an amount to be determined by him, a certificate of public liability insurance issued by an authorized insurer or approved surplus lines insurer pursuant to Title 24-A or any risk retention group licensed in any state pursuant to the United States Code, Title 15, Chapter 65, or through a purchasing group licensed in any state pursuant to the United States Code, Title 15, Chapter 65. Upon receipt of the application, accompanied by a certificate of public liability insurance and upon payment of the required fee, a license shall be issued. For amusement shows, carnivals, thrill shows, ice shows, rodeos or similar types of performances which are held indoors or outdoors the fee shall be \$250. For circuses which are held outdoors or under tents or similar temporary cover or enclosure the fee shall be \$500. For circuses held indoors in an auditorium, arena, civic center or similar type building the fee shall be \$250. For circuses produced in their entirety by a nonprofit, charitable organization a license is required but no fee shall may be charged. The amusement device license fee shall be \$25 per amusement device. A traveling amusement show, having amusement devices and having secured a traveling amusement show license, shall pay an additional amusement device license fee for each amusement device over 8 rides. "Amusement device" means a device by which a person is conveyed, where control by the rider over the speed or direction of travel is incomplete. It does not include a vehicle or device, the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30, section 2151, or any coin-operated kiddie amusement device on a non-moving base which is designed to accommodate one child.

Effective September 29, 1987.

CHAPTER 265

H.P. 1024 — L.D. 1382

AN ACT to Require Financial Institutions to Furnish Copies of Real Estate Appraisals to Prospective Buyers upon Request.

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

Sec. 1. 9-A MRSA §3-313 is enacted to read:

§3-313. Real estate appraisals; copies

Any creditor which imposes a fee on any person for

the cost of an appraisal of any real estate shall furnish to the person, at no cost, a copy of the appraisal upon request.

Sec. 2. 9-B MRSA §447 is enacted to read:

§447. Real estate appraisals; copies

Any financial institution which imposes a fee on any person for the cost of an appraisal of any real estate shall furnish to the person, at no cost, a copy of the appraisal upon request.

Effective September 29, 1987.

CHAPTER 266

H.P. 1045 — L.D. 1408

AN ACT to Extend the Period for Filing Birth Records.

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

Sec. 1. 22 MRSA §2761, first ¶ is amended to read:

A certificate of each live birth which occurs in this State shall be filed with the clerk of the municipality in which such live birth occurred within 7 14 days after the date of birth.

Sec. 2. 22 MRSA §2761, sub-§2 is amended to read:

2. Date of birth. On each such certificate, the physician in attendance shall verify or provide the date of birth and medical information required within 5 7 days after birth.

Sec. 3. 22 MRSA §2761, sub-§5 is amended to read:

5. Certificate signed by father and mother. In every case, the father or mother of the child shall sign the certificate and shall attest to the accuracy of the personal data entered thereon in time to permit its filing within the 7 14 days prescribed. If father and mother are unable to sign, then no signature need be required.

Effective September 29, 1987.

CHAPTER 267

H.P. 1047 — L.D. 1410

AN ACT to Clarify the Taking of Property by the Department of Transportation.

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