

# 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  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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

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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.

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## 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.

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## 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.

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## 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:

Sec. 1. 23 MRSA §153, sub-§5, as amended by PL 1981, c. 470, Pt. A, §123, is further amended to read:

5. Automobile graveyards. Secure the relocation, removal or disposal of automobile graveyards and junkyards which are not in conformity with Title 30, sections 2451 to 2459; and

Sec. 2. 23 MRSA §153, sub-§6, as repealed and replaced by PL 1965, c. 492, §1, is amended to read:

6. Buildings. Erect administrative, storage and operational buildings used in affecting the objectives in conformity with section 1; or

Sec. 3. 23 MRSA §153, sub-§7 is enacted to read:

7. Other projects. Construct, improve and maintain transportation projects as directed by law.

Sec. 4. 23 MRSA §153, last ¶, as amended by PL 1971, c. 593, §20, is further amended to read:

Where property is to be purchased or taken over and held for the State, the department shall first cause the property or interest therein necessary to be acquired to be surveyed and described and a plan thereof made and to be appraised by one or more appraisers who in making each appraisal shall contact the owner or one of the owners or his designated representative if reasonably possible. All persons employed by the department are authorized, to the extent necessary for surveys and preliminary engineering, to enter and cross all lands within, adjoining and adjacent to the area to be surveyed in carrying out the objectives of this section.

Effective September 29, 1987.

## CHAPTER 268

H.P. 1088 — L.D. 1479

### AN ACT to Authorize Evaluation of Vital Statistics.

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

Sec. 1. 22 MRSA §2701, sub-§2 is amended to read:

2. Supervision. The state registrar shall have charge of the Office of Vital Statistics and be custodian of its files and records. He shall preserve all certificates, records and other reports returned to him under this Title. He shall have general supervision of this Title and the regulations of the department relating to the registration of vital statistics, ~~and shall direct the activities of municipal clerks in the registration of vital statistics.~~ He shall direct, supervise and control the activities of all persons when they are engaged in activities pertaining to the operation of the system of vital statistics. He shall conduct training programs to promote uniformity

of policy and procedures throughout the State in matters pertaining to the system of vital statistics. He shall monitor the accuracy, completeness and validity of all information returned to him under this Title.

Sec. 2. 22 MRSA §2702-A is enacted to read:

#### §2702-A. Duties to furnish information

Any person having knowledge of the facts shall furnish such information as he may possess regarding any birth, death, spontaneous fetal death, abortion, marriage, divorce or annulment, upon demand of the state registrar.

Effective September 29, 1987.

## CHAPTER 269

H.P. 1089 — L.D. 1480

### AN ACT to Amend the Child and Family Services and Child Protection Act as it Relates to Judicial Reviews.

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

Sec. 1. 22 MRSA §4038, sub-§1 as amended by PL 1985, c. 739, §11, is further amended to read:

1. Mandated review. If a court has made a final protection order, it shall review the case at least once within 18 months of the final protection order and at least every 2 years thereafter, unless the child has been emancipated or adopted. ~~If the court has ordered custody to any person, other than a parent or the department, no subsequent judicial review is required unless petitioned for by any party or unless specifically ordered by the court.~~

Sec. 2. 22 MRSA §4038, sub-§1-A is enacted to read:

1-A. No mandated review. Notwithstanding subsection 1, no subsequent judicial review is required unless petitioned for by any party or unless specifically ordered by the court:

A. When custody has been granted to a person other than a parent or the department;

B. When custody has been granted to a parent who did not have custody at the time the child protection petition was filed; or

C. When the child lives with the foster parent with whom the department has entered into a long-term foster care agreement pursuant to section 4064.

Effective September 29, 1987.