

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

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G. None of the steps enumerated in paragraph F, to claim or enforce a demand for compensation in excess of the nominal amount, shall impair or delay the right of the cable operator to install, maintain or remove cable television system facilities at a tenant's dwelling on the real estate. The Superior Court shall have original jurisdiction to enforce this paragraph.

H. No person owning, leasing, controlling or managing any multiple dwelling unit served by a cable television system may discriminate in rental or other charges between tenants who subscribe to these services and those who do not, or demand or accept payment in any form for the affixing of cable television system equipment on or under the real estate, provided that the owner of the real estate may require, in exchange for permitting the installation of cable television system equipment within and upon the real estate, reasonable compensation to be paid by the cable operator. The compensation shall be determined in accordance with this subsection.

I. As used in this subsection, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Cable television operator," "cable operator" or "operator" means any person, firm or corporation owning, controlling, operating, managing or leasing a cable system or any lawful agent appointed by any one of the persons or entities mentioned in this subparagraph.

(2) "Multiple dwelling unit" means any building or structure which contains 2 or more apartments or living units.

(3) "Owner" means the person or persons possessing legal title to real estate or the lawful agent appointed by an owner.

(4) "Tenant" means one who has the temporary use and occupation of real property owned by another person.

Effective September 29, 1987.

CHAPTER 295

S.P. 461 — L.D. 1418

AN ACT to Amend the Probate Code to Allow Reasonable Compensation for Public Guardians or Conservators.

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

18-A MRSA §5-612, as enacted by PL 1979, c. 540, §1, is amended to read:

§5-612. Compensation

(a) ~~The public guardian or conservator of a mentally retarded person shall receive such reasonable amounts for its expenses as guardian or conservator as the probate court Probate Court may allow. The amounts so allowed shall be allocated to a trust an account from which may be drawn expenses for filing fees, bond premiums, court costs and other expenses required in the administration of the functions of the public guardian or conservator. No amounts thus received shall may inure to the benefit of any employee of the public guardian or conservator. Any balance in the trust account at the end of a fiscal year shall not lapse but shall be carried forward from year to year and used for the purposes provided for in this subsection.~~

(b) ~~The public guardian or conservator of an incapacitated person in need of protective services shall not receive any compensation, profit or benefit from a ward or protected person or from any other source for service as public guardian or conservator. Any personal expenditures made on the ward's or protected person's behalf by the public guardian or conservator shall, when properly evidenced, be reimbursed out of the ward's or protected person's estate. Claims for services rendered by state agencies shall be submitted to the probate judge for approval before payment.~~

Effective September 29, 1987.

CHAPTER 296

S.P. 466 — L.D. 1423

AN ACT to Adjust Time Limits and Clarify Responsibility for Certification and Registration of Deaths.

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

Sec. 1. 22 MRSA §2842, first ¶ is amended to read:

Except as authorized by the department, a certificate of each death which occurs in this State shall be filed with the clerk of the municipality where death occurred within ~~3 days~~ a reasonable period of time, as specified by department regulation, after the day on which death occurred and prior to the removal of the body from the State.

Sec. 2. 22 MRSA §2842, sub-§2, amended by PL 1977, c. 382, is further amended to read:

2. Medical certificate by physician. The medical certification of the cause of death shall be completed and signed within 24 hours after death by the physician in charge of the patient's care for the illness or condition which resulted in death in a timely fashion by a physician authorized to practice in the State who has knowl-

edge of the patient's recent medical condition, in accordance with department regulations and other laws detailing who can certify and in what time frame, except when an inquiry as to the cause of death is required by law the death falls under the jurisdiction of the medical examiner as provided in section 3025. If the patient was a resident of a nursing home licensed under section 1817 at the time of death and if the physician in charge of the patient's care had not examined the patient within 48 hours prior to death, the physician in charge or another physician designated by the physician in charge shall examine the body prior to completing the certification of death process. Any physician who fails to complete the medical certification of the cause of death fully, and in a timely manner, or who fails to examine the body of a nursing home resident prior to certifying cause of death as required by this section shall be reported to the Board of Registration in Medicine or the Board of Osteopathic Examination and Registration, whichever is appropriate, by the State Registrar of Vital Statistics of the Department of Human Services.

Sec. 3. 22 MRSA §3025, sub-§4, as enacted by PL 1985, c. 611, §6, is amended to read:

4. Questionable cases and cases which may constitute exceptions. All questionable cases shall be reported. Acceptance of any questionable case is to be determined by the Chief Medical Examiner unless acceptance is specifically ordered by the Attorney General or district attorney having jurisdiction.

Deaths due to the consequences of long-term alcohol use, long-term exposure to environmental or occupational toxins or long-term exposure to carcinogens shall be reported, but need not be accepted.

Sudden natural deaths in the elderly who have not had previous specific symptoms or who were not under treatment by a physician for the specific natural cause that is considered to be the cause of death shall be reported to the Office of the Chief Medical Examiner. Those cases may be referred back to the attending physician by the Chief Medical Examiner for certification of the death, even though the attending physician has not treated the patient for the specific natural disease that he will enter as his diagnosis as required in section 2842, subsection 2.

Effective September 29, 1987.

CHAPTER 297

S.P. 469 — L.D. 1429

AN ACT to Amend the Maine Juvenile Code to Provide Greater Flexibility in Sentencing Juvenile Offenders.

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

15 MRSA §3314, sub-§1, ¶H, as amended by PL 1985, c. 715, §1, is further amended to read:

H. The court may commit the juvenile to the Maine Youth Center and order that the sentence be suspended except or may commit the juvenile for a period of detention which shall not exceed 30 days, with or without an underlying suspended sentence to the Maine Youth Center, which detention may be served intermittently as the court may order and which shall be ordered served in a county jail designated by the Department of Corrections as a place for the secure detention of juveniles, or in a nonsecure group care home or halfway house. When the detention is ordered served in a county jail, the juvenile may be detained only in that part of the jail which meets the requirements of section 3203-A, subsection 7, paragraph A. The court may order such a sentence to be served as a part of and with a period of probation, which shall be subject to such provisions of Title 17-A, section 1204 as the court may order and which shall be administered pursuant to Title 34, chapter 121, subchapter V-A. Revocation of probation shall be governed by the procedure contained in subsection 2.

Effective September 29, 1987.

CHAPTER 298

S.P. 564 — L.D. 1685

AN ACT to Provide Special Plates or Placards for Handicapped Persons.

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

Sec. 1. 29 MRSA §252, first ¶, as repealed and replaced by PL 1987, c. 56, §1, is repealed and the following enacted in its place:

On annual application to the Secretary of State, any handicapped person or the spouse, parents or legal guardian of a handicapped person who has registered a motor vehicle as the motor vehicle of principal use by the handicapped person shall be issued a set of special designating plates to be used in place of the regular registration plates or placard to be fixed to the sun visor of a motor vehicle registered by such a person. The placard shall be so affixed that the information thereon shall be clearly legible from outside the motor vehicle. The placard issued under this section shall include the motor vehicle registration plate number of the vehicle registered in the name of the handicapped person or the spouse, parents or legal guardian of the handicapped person, the name of the handicapped person and the date of expiration of the placard. The Secretary of State shall establish by regulation a system of color coding for placards issued pursuant to this section for the purpose of facilitating the determination of validity of placards. When the Secretary of State deems it appropriate, a