

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
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1987

tem in Maine, the State Police shall enforce this subsection.

Effective September 29, 1987.

CHAPTER 299

S.P. 567 — L.D. 1699

AN ACT to Clarify the Right to Prevent the Attendance of or to Remove a Committed Offender from a Disciplinary Hearing.

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

34-A MRSA §3032, sub-§6, ¶B, as enacted by PL 1983, c. 459, §6, is amended to read:

B. He is entitled to the right to be present at the hearing, except that he may be prevented from attending or be removed if his behavior indicates that he is a danger to himself, other persons or property.

Effective September 29, 1987.

CHAPTER 300

S.P. 568 — L.D. 1700

AN ACT to Grant Jurisdiction to Bail Commissioners to Ensure the Integrity of the Judicial Process.

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

14 MRSA §5547 is enacted to read:

§5547. Orders to ensure the integrity of the judicial process

1. Authority of bail commissioners. A bail commissioner may impose orders regulating the conduct of any person for whom he sets bail under sections 5542 and 5544. These orders must be reasonably effected to ensure the integrity of the judicial process and the proper administration of justice during the pending proceedings related to the offense for which the person was arrested. The order shall be in writing and a copy shall be given to the alleged offender when the order is issued. The commissioner may provide a copy of the order to the law enforcement agencies most likely to enforce it. The order may require the alleged offender:

A. To stay away from the home, school, business or place of employment of:

(1) The victim of the offense;

(2) Other family or household members of the victim or alleged offender; or

(3) Any potential witness regarding the offense;

B. Not to visit, or to visit only at certain times or under certain conditions, a child residing with the victim or any potential witness regarding the offense;

C. Not to do specific acts which the commissioner finds may harass, torment or threaten:

(1) The victim of the offense;

(2) Other family or household members of the victim or alleged offender; or

(3) Any potential witness regarding the offense;

D. To refrain from contacting, threatening, assaulting, molesting, harassing or otherwise disturbing the peace of:

(1) The victim of the offense;

(2) Other family or household members of the victim or alleged offender; or

(3) Any potential witness regarding the offense;

E. To refrain from taking, converting or damaging property in which the victim or other family or household members of the victim or alleged offender or any potential witness regarding the offense may have a legal interest; and

F. To take any action or to avoid taking any action as necessary to protect the integrity of the judicial process or the ability of the court to proceed with the case fairly, expeditiously and justly.

2. Modification or dissolution of orders. Any person against whom an order is issued by a bail commissioner under subsection 1 may file a motion in the court having jurisdiction over the offense for which he was arrested to modify or dissolve the bail commissioner's order. The court shall hear the motion as soon as possible and may modify or dissolve the order as justice requires. The court, at any time, on its own motion may modify or dissolve the order as justice requires. In any event, any order issued by a bail commissioner under subsection 1 is void when the alleged offender is convicted and sentenced, acquitted or the charges against him are dismissed.

3. Enforcement of orders. Any violation of an order issued by a bail commissioner under subsection 1, when the alleged offender has prior actual notice of the order, is a Class E crime. Notwithstanding any other law, an arrest for such a violation may be without warrant upon probable cause whether or not the violation is com-

mitted in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of the order by telephone or radio communication with the bail commissioner or a law enforcement agency with knowledge of the order.

4. Repeal. This section is repealed on July 1, 1989.

Effective September 29, 1987.

CHAPTER 301

H.P. 458 — L.D. 613

AN ACT to Clarify the Rights of Former State Employees who were Transferred to the Maine Vocational-Technical Institute System.

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

PL 1985, c. 695, section 20, sub-§7, 2nd ¶ is amended to read:

The accrued fringe benefits of these personnel, including vacation and sick leave, health and life insurance and retirement, shall remain with the transferred personnel. The rights and benefits under current collective bargaining agreements shall continue for all covered personnel. If these agreements expire, or have expired, the status quo shall be maintained according to applicable labor law principles. All personnel transferred from state employment to the Maine Vocational-Technical Institute System shall retain all seniority rights and privileges and all rights and privileges which are derived therefrom as provided in their applicable collective bargaining agreements with regard to employment in state service ~~for a period of 2 years from the date of the establishment of~~ until July 1, 1989, while employed with the Maine Vocational-Technical Institute System.

Effective September 29, 1987.

CHAPTER 302

H.P. 538 — L.D. 722

AN ACT to Establish the Uniform Premarital Agreement Act.

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

19 MRSA c. 2 is enacted to read:

CHAPTER 2

UNIFORM PREMARITAL AGREEMENT ACT

§141. Short title

This chapter shall be known and may be cited as the "Uniform Premarital Agreement Act."

§142. Definitions

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

1. Premarital agreement. "Premarital agreement" means an agreement between prospective spouses made in contemplation of marriage and to be effective upon marriage.

2. Property. "Property" means an interest, present or future, legal or equitable, vested or contingent, in real or personal property, including income and earnings.

§143. Formalities

A premarital agreement must be in writing and signed by both parties. It is enforceable without consideration.

§144. Content

Parties to a premarital agreement may contract with respect to:

1. Rights and obligations of each of the parties. The rights and obligations of each of the parties in any of the property of either or both of them whenever and wherever acquired or located;

2. Right to buy, sell, use property. The right to buy, sell, use, transfer, exchange, abandon, lease, consume, expend, assign, create a security interest in, mortgage, encumber, dispose of or otherwise manage and control property;

3. Disposition of property. The disposition of property upon separation, marital dissolution, death or the occurrence or nonoccurrence of any other event;

4. Spousal support. The modification or elimination of spousal support;

5. Making of will. The making of a will, trust or other arrangement to carry out the provisions of the agreement;

6. Death benefit. The ownership rights in and disposition of the death benefit from a life insurance policy;

7. Choice of law. The choice of law governing the construction of the agreement; and

8. Other matter. Any other matter, including their personal rights and obligations, not in violation of public policy or a law imposing a criminal penalty.

The right of a child to support may not be adversely affected by a premarital agreement.