

# 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.

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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  
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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 This section is repealed on July 1, 1989.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.

§145. Effect of marriage

A premarital agreement becomes effective upon marriage.

§146. Effect of children

Except as otherwise provided in this section, an effective premarital agreement is void 18 months after the parties to the agreement become biological or adoptive parents or guardians of a minor. The premarital agreement is not void if, within the 18-month period, the parties sign a written amendment to the agreement stating that the agreement remains in effect or altering the agreement. Sections 147 and 148 apply to any amendment under this section.

§147. Amendment; revocation

After marriage, a premarital agreement may be amended or revoked only by a written agreement signed by the parties. The amended agreement or the revocation is enforceable without consideration.

§148. Enforcement

1. Not enforceable. A premarital agreement is not enforceable if the party against whom enforcement is sought proves that:

A. That party did not execute the agreement voluntarily; or

B. The agreement was unconscionable when it was executed and, before execution of the agreement, that party:

(1) Was not provided a fair and reasonable disclosure of the property or financial obligations of the other party;

(2) Did not voluntarily and expressly waive, in writing, any right to disclosure of the property or financial obligations of the other party beyond the disclosure provided; and

(3) Did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the other party.

2. Support required. If a provision of a premarital agreement modifies or eliminates spousal support and that modification or elimination causes one party to the agreement to be eligible for support under a program of public assistance at the time of separation or marital dissolution, a court, notwithstanding the terms of the agreement, may require the other party to provide support to the extent necessary to avoid that eligibility.

3. Unconscionability. An issue of unconscionability of a premarital agreement shall be decided by the court as a matter of law.

§149. Enforcement; void marriage

If a marriage is determined to be void, an agreement that would otherwise have been a premarital agreement is enforceable only to the extent necessary to avoid an inequitable result.

§150. Limitation of actions

Any statute of limitations applicable to an action asserting a claim for relief under a premarital agreement is tolled during the marriage of the parties to the agreement. Equitable defenses limiting the time for enforcement, including laches and estoppel, are available to either party.

§151. Application and construction

This Act shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this Act among states enacting it.

Effective September 29, 1987.

**CHAPTER 303**

H.P. 940 — L.D. 1263

**AN ACT Concerning Tax on Cargo Trailers.**

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

36 MRSA §603, sub-§1-A is enacted to read:

1-A. Cargo trailers. A cargo trailer shall be taxed in the place where it is primarily located on April 1st, even though the cargo trailer may not be present in that place on April 1st.

For purposes of this subsection, "primary location" means the place where the cargo trailer is usually based and where it regularly returns for repairs, supplies and activities related to its use.

Effective September 29, 1987.

**CHAPTER 304**

H.P. 1100 — L.D. 1491

**AN ACT to Require Minimum Evacuation Standards for Boarding Care Facilities.**

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

Sec. 1. 22 MRSA §7901-A, sub-§5, as enacted by PL 1985, c. 770, §6, is amended to read: