

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

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Twin City Printery
Lewiston, Maine
1987

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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§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:

5. Mobile nonambulatory. "Mobile nonambulatory," as applied to a resident of a boarding care facility, means being able to transfer independently, ~~but unable to walk or unable to transfer without assistance, but able to move from place to place with the use of a device, such as a walker, crutches, wheelchair or wheeled platform, as certified by a physician or psychologist and able to evacuate a facility in less than 2 1/2 minutes with the assistance of another person throughout the evacuation procedure.~~

Sec. 2. 22 MRSA §7901-A, sub-§§6 and 7, as enacted by PL 1985, c. 770, §6, are repealed.

Sec. 3. 22 MRSA §7904-A, sub-§5, as enacted by PL 1985, c. 770, §10, is amended to read:

5. Requirements for boarding homes with 6 or fewer beds. The department may permit any boarding home having 6 or fewer ambulatory residents who can evacuate the facility without the assistance of another person in 2 or less minutes to comply with the one-family and 2-family dwelling requirements of the Life Safety Code adopted by the State Fire Marshall ~~provided the residents are certified annually by a physician or a psychologist as ambulatory and capable of following directions and taking appropriate action for self-preservation under emergency conditions~~ Marshal.

Sec. 4. 22 MRSA §7904-A, sub-§6, as enacted by PL 1985, c. 770, §10, is amended to read:

6. Adult foster homes with one to 4 ambulatory residents. Adult foster homes having one to 4 ambulatory residents who can evacuate the facility without the assistance of another person in 2 or less minutes shall comply with the one-family and 2-family dwelling requirements of the Life Safety Code adopted by the State Fire Marshal.

Effective September 29, 1987.

CHAPTER 305

H.P. 1158 — L.D. 1584

AN ACT to Require Rulemaking by the Department of Mental Health and Mental Retardation Regarding Administration of Cardiopulmonary Resuscitation in State Institutions.

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

34-B MRSA §1436 is enacted to read:

§1436. Rules regarding cardiopulmonary resuscitation

The department shall promulgate rules regarding the use of cardiopulmonary resuscitation in state institutions, pursuant to the Maine Administrative Procedure Act, Title 5, section 8053.

Effective September 29, 1987.

CHAPTER 306

S.P. 575 — L.D. 1716

AN ACT to Expedite the Process of Resolving Disputes Involving the Accuracy of Information in Consumer Reports.

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

Sec. 1. 10 MRSA §1316, sub-§2, ¶B, as amended by PL 1985, c. 140, §1, is repealed and the following enacted in its place:

B. By telephone, if he presents proper identification, and the toll charge, if any, for the telephone call is prepaid by or charged directly to the consumer; or

Sec. 2. 10 MRSA §1317, sub-§2, as amended by PL 1977, c. 677, §7, is further amended to read:

2. Reinvestigation by consumer reporting agency. If a consumer disputes any item of information contained in his file on the ground that it is inaccurate and such dispute is directly conveyed to the consumer reporting agency by the consumer, the consumer reporting agency shall promptly reinvestigate and record the current status of such information within 10 business days of notification of the dispute by the consumer, unless it has reasonable grounds to believe that the dispute by the consumer is frivolous, and it shall promptly then immediately notify the consumer of the result of its investigation and his rights pursuant to subsections 4, 5 and 6. The presence of contradictory information in a consumer's file shall not, in and of itself, constitute reasonable grounds for believing the dispute is frivolous.

Effective September 29, 1987.

CHAPTER 307

S.P. 323 — L.D. 951

AN ACT Authorizing Restitution in Civil Penalty Actions.

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

Sec. 1. 5 MRSA §205-A is enacted to read:

§205-A. Short title

This chapter will be known as and may be cited as the Maine Unfair Trade Practices Act.