

# 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

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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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§2507. Vehicles with dealer and transporter registrations

No dealer or holder of a transporter registration certificate in new or used motor vehicles may permit any vehicle under his ownership or control to be released for operation upon the highways ~~until it has been inspected and a valid certificate of inspection has been placed on the vehicle, unless the vehicle meets the inspection standards required by section 2503 and the rules promulgated under that section, except that any vehicle, that is mechanically safe but requires body repairs, may be operated by the owner or his employee for the sole purpose of transporting the vehicle to an establishment for body repair.~~ If the vehicle bears a prior inspection certificate, the certificate shall be removed. ~~Any vehicle that is mechanically safe but requires body repairs may be operated by the owner or his employee without a valid certificate of inspection for the sole purpose of transporting the vehicle to an establishment for body repair.~~

Sec. 8. 29 MRSA §2507-A, sub-§1, as amended by PL 1983, c. 370, §9, is further amended to read:

1. Motor vehicles required to meet standard. Except as provided in section 2507 regarding vehicles requiring body repair, no dealer or holder of a transporter registration certificate in new or used motor vehicles may permit any vehicle under his ownership or control to be sold or transferred to another person or legal entity for operation upon the highways unless the vehicle meets the inspection standards required by section 2503 and the rules and regulations promulgated thereunder and has displayed thereon a valid certificate of inspection issued ~~during the last 30 days prior to the date on the day of sale or transfer.~~

A. A certificate of inspection issued under this section shall expire:

(1) At the end of the month in which the transfer registration under section 152 shall expire when the new owner indicates that the registration will be transferred under section 152;

(2) At the end of the month, one year from the month in which the new owner indicates the vehicle will be registered under section 106, provided that no certificate of inspection may be issued for a period greater than 13 months; or

(3) At the end of the month, one year from the month of issuance.

Sec. 9. 29 MRSA §2507-B is enacted to read:

§2507-B. Private sale of motor vehicles

Any person, other than a dealer or holder of a transporter registration certificate, who permits any vehicle under his ownership or control to be sold or transferred to another person for operation on the highways shall

remove the inspection certificate prior to the sale or transfer.

Sec. 10. **Effective date.** The effective date of this Act is July 1, 1988.

Effective July 1, 1988.

**CHAPTER 398**

S.P. 619 — L.D. 1820

**AN ACT to Clarify the Conditions Under Which a Juvenile may be Detained.**

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

Sec. 1. 15 MRSA §3003, sub-§24-A, as enacted by PL 1985, c. 439, §6, is amended to read:

24-A. Secure detention facility. "Secure detention facility" means a facility characterized by physically restrictive construction ~~or procedures, or both, that are~~ which is intended to prevent a person who is placed or admitted to the facility from departing at will.

Sec. 2. 15 MRSA §3101, sub-§4, ¶E-1 is enacted to read:

E-1. If the juvenile court finds, pursuant to paragraph E, that it is appropriate to prosecute the juvenile as if he were an adult, the court may direct detention of any such juvenile who is to be detained pending an adjudication hearing in a section of a jail which is used primarily for the detention of adults, when it finds by clear and convincing evidence that:

(1) The juvenile's behavior presents an imminent danger of harm to himself or to others; and

(2) There is no less restrictive alternative to detention in an adult section which serves the purposes of detention.

In determining whether the juvenile's behavior presents a danger to himself or others, the juvenile court shall consider, among other factors:

(a) The nature of and the circumstances surrounding the offense with which the juvenile is charged, including whether the offense was committed in an aggressive, violent, premeditated or willful manner;

(b) The record and previous history of the juvenile, including his emotional attitude and pattern of living; and

(c) If applicable, the juvenile's behavior and mental condition during any previous and current

period of detention or commitment.

Sec. 3. 15 MRSA §3203-A, sub-§1, ¶A-1 is enacted to read:

A-1. If the law enforcement officer determines that detention is not necessary but the officer is unable to immediately return the juvenile to the custody of his legal custodian or another suitable person, the officer, with the juvenile's consent, may deliver the juvenile to any public or private agency which provides nonsecure services to juveniles.

Sec. 4. 15 MRSA §3203-A, sub-§1, ¶B, as enacted by PL 1985, c. 439, §9, is amended to read:

B. When, in the judgment of a law enforcement officer, a juvenile should be detained prior to his initial appearance in juvenile court, the law enforcement officer shall immediately notify a juvenile caseworker.

(1) Detention under this section shall be requested by the law enforcement officer within 2 hours after the juvenile's arrest or the juvenile shall be released.

(2) After the law enforcement officer notifies the juvenile caseworker and requests detention, the juvenile caseworker shall order the conditional or unconditional release or shall effect a detention placement within 12 hours following the juvenile's arrest.

~~(3) During the 12-hour period referred to in subparagraph (2), any secure physical confinement of the juvenile shall require the approval of the juvenile caseworker. The juvenile caseworker shall approve secure physical confinement during the custody period only when it is necessary to prevent imminent escape or to prevent the juvenile from harming himself or others. Secure physical confinement exists when the juvenile is placed within a locked setting.~~

Sec. 5. 15 MRSA §3203-A, sub-§1, ¶B-1 is enacted to read:

B-1. When, in the judgment of a law enforcement officer, immediate secure detention is required to prevent a juvenile who satisfies the requirements of subsection 4, paragraph D from imminently inflicting bodily harm to others or to himself, the officer may refer the juvenile for temporary, emergency detention to a facility approved pursuant to subsection 7, prior to notifying a juvenile caseworker or the Department of the Attorney General, as applicable. Such a facility may detain the juvenile on an emergency basis for up to 2 hours, provided that the law enforcement officer from the facility immediately notifies the juvenile caseworker or the Department of the Attorney General and requests authorization to detain the juvenile beyond the term of the temporary, emergency detention pursuant to paragraph B. The juvenile caseworker or

the Department of the Attorney General shall order the conditional or unconditional release of a juvenile or shall effect a detention placement within 2 hours following a temporary, emergency detention. It shall be the responsibility of the law enforcement officer to remain at the facility until the juvenile caseworker or the Department of the Attorney General has released the juvenile or has authorized detention.

Sec. 6. 15 MRSA §3203-A, sub-§7, ¶A, as enacted by PL 1985, c. 439, §9, is amended to read:

A. A juvenile may be detained in a jail or other security facility intended for use or primarily used for the detention of adults only when the receiving serving facility:

- (1) Contains a separate section for juveniles which complies with mandatory separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208;
- (2) Provides for no regular contact between the juveniles with the adult detainees or inmates; and
- (3) Has an adequate staff to monitor and supervise the juvenile's activities at all times.

Juveniles detained in the adult receiving serving facilities shall be placed only in the separate juvenile sections which comply with mandatory separation standards established by the Department of Corrections pursuant to Title 34-A, section 1208.

Sec. 7. 15 MRSA §3203-A, sub-§7, ¶C, as enacted by PL 1985, c. 439, §9, is amended to read:

C. Upon the request of the Commissioner of Corrections or his designee, a judge may approve the transfer of a juvenile, who is detained at the Maine Youth Center, to any a jail or to another secure facility intended for use or which is used for the detention of adults:

- (1) If the judge finds, by clear and convincing evidence, that:
  - (a) Jurisdiction of the matter as a juvenile case has been waived and the juvenile has been bound over pursuant to section 3101, subsection 4; or
  - (b) A prosecutor has requested the court to bind over the juvenile, pursuant to section 3101, subsection 4, because he is accused of having committed a subsequent offense, while committed to the center;
- (2) If the judge finds, by clear and convincing evidence, that the juvenile's behavior:
  - (a) Presents an imminent danger of harm to himself or to others; or

(b) Presents a substantial likelihood that the juvenile will absent himself from the center; and

(3) If the judge finds, by clear and convincing evidence that there is no less restrictive alternative to detention in an adult facility which will meet the purposes of detention.

Sec. 8. 15 MRSA §3203-A, sub-§7, ¶D is enacted to read:

D. Upon the petition of a sheriff or his designee, the District Court may approve the transfer of a juvenile who has been bound over pursuant to section 3101, subsection 4, from a separate juvenile section, which is described in paragraph A, to any section of a jail or another secure facility which is intended for use or used primarily for the detention of adults, if the court finds by clear and convincing evidence that:

(1) The juvenile's behavior presents an imminent danger of harm to himself or to others; and

(2) There is no less restrictive alternative to detention in an adult section which serves the purposes of detention.

That determination shall be made on the basis of evidence, including reliable hearsay evidence, presented in testimony or affidavits. In determining whether the juvenile's behavior presents a danger to himself or others, the court shall consider, among other factors:

(a) The nature of and the circumstances surrounding the offense with which the juvenile is charged, including whether the offense was committed in an aggressive, violent, premeditated or willful manner;

(b) The record and previous history of the juvenile, including his emotional attitude and pattern of living; and

(c) The juvenile's behavior and mental condition during any previous and current period of detention or commitment.

Effective September 29, 1987.

## CHAPTER 399

S.P. 620 — L.D. 1821

### AN ACT to Amend the Investment Provisions and Certain Related Sections of the Maine Insurance Code.

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

Sec. 1. 24-A MRSA §222, sub-§3, ¶A, as repealed and

replaced by PL 1975, c. 356, §1, is amended to read:

A. Authorization. Any domestic insurer may invest in or otherwise acquire one or more subsidiaries as authorized in section 1115; or section 1157.

Sec. 2. 24-A MRSA §902, sub-§4, as enacted by PL 1969, c. 132, §1, is amended to read:

4. Furniture, fixtures, furnishings, safes, vehicles, libraries, stationery, literature and supplies, other than data processing, recordkeeping and accounting systems authorized under section 901, subsection 13, except, in the case of title insurers, such materials and plants as the insurer is expressly authorized to invest in under section 1129 and except, in the case of any insurer, such personal property as the insurer is permitted to hold pursuant to chapter 13 or chapter 13-A, or which is reasonably necessary for the maintenance and operation of real estate lawfully acquired and held by the insurer other than real estate used by it for home office, branch office and similar purposes.

Sec. 3. 24-A MRSA §1101, as enacted by PL 1969, c. 132, §1, is amended to read:

#### §1101. Scope of chapter

Except as provided in section 1137, this chapter applies only to domestic insurers only which transact business other than as described in section 702, life insurance; section 703, annuity; or section 704, health insurance.

Sec. 4. 24-A MRSA §1102, sub-§4, as enacted by PL 1969, c. 132, §1, is amended to read:

4. Any investment limitation or diversification requirement based upon the amount of the insurer's assets or particular funds shall relate to such assets or funds as shown by the insurer's annual statement as of the December 31st next preceding the date of acquisition of the investment by the insurer; or as shown by a current applicable financial statement, prepared on the same basis as that annual statement, resulting from merger of with another insurer, bulk reinsurance; or change in capitalization.

Sec. 5. 24-A MRSA §1104, sub-§1, as enacted by PL 1969, c. 132, §1, is amended to read:

1. An insurer shall not make any investment or loan; ~~other than policy loans or annuity contract loans of a life insurer;~~ unless the same is authorized or approved by the insurer's board of directors or by a committee thereof charged with supervision of investments and loans.

Sec. 6. 24-A MRSA §1105, as amended by PL 1983, c. 442, §§2 and 3, is repealed.

Sec. 7. 24-A MRSA §1115, sub-§3, as enacted by PL 1983, c. 759, §2, is repealed.