

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
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Twin City Printery
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PUBLIC LAWS

OF THE

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count established under section 2537.

14. United States. "United States," when used to signify place, includes those geographical areas and the lands and waters adjacent to those geographical areas as are under the jurisdiction of the United States.

Sec. 15. 24-A MRSA §2537, sub-§2, as amended by PL 1973, c. 560, §4, is further amended to read:

2. The amounts allocated to each such account of that type and accumulations thereon may be invested and reinvested as provided in ~~section 1128~~ section 1159 (special investments: separate accounts). Amounts allocated to a separate account in the exercise of the power granted by this section shall be owned by the insurer, and the insurer shall not be, nor hold itself out to be, a trustee with respect to such those amounts.

Sec. 16. 24-A MRSA §2537, sub-§4, as amended by PL 1973, c. 585, §12, is further amended to read:

4. Unless otherwise approved by the superintendent, assets allocated to a separate account shall be valued at their market value on the date of that valuation, or if there is no readily available market, then in accordance with the terms of the contract or the rules or other written agreement applicable to such that separate account; except; that, unless otherwise approved by the superintendent, the portion of the assets of such that separate account at least equal to the insurer's reserve liability with regard to the guaranteed benefits and funds referred to in ~~section 1128~~ section 1159, if any, shall be valued in accordance with rules otherwise applicable to the insurer's assets.

Sec. 17. 24-A MRSA §3311, sub-§2, ¶C and D, as enacted by PL 1969, c. 132, §1, is amended to read:

C. An insurer may own subsidiaries or subsidiaries owning other subsidiaries which may engage in such businesses all as provided for in section 1115 (stocks of subsidiaries) or in section 1157 (investment in subsidiaries); and

D. An insurer may utilize its facilities to perform administrative services for any governmental body, unit or agency; ; and

Sec. 18. 24-A MRSA §3311, sub-§2, ¶E is enacted to read:

E. An insurer transacting business of a type described in section 702, life insurance; section 703, annuity; or section 704, health insurance; or any combination of those types of business, may engage in any other business in which it is otherwise qualified to engage to the extent and in the manner approved by the superintendent.

Effective September 29, 1987.

CHAPTER 400

H.P. 1331 — L.D. 1816

AN ACT to Amend the Maine Juvenile Code.

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

Sec. 1. 15 MRSA §3312, sub-§2, as enacted by PL 1977, c. 520, §1, is amended to read:

2. Examination of adjudicated juvenile. The court may have the juvenile examined by a physician or psychologist, and may place the juvenile in a hospital or other suitable facility or nonresidential program for this purpose. The cost of such examinations and placements shall be paid by the court ordering them in whole or in part by the juvenile's parents. The court shall pay the costs if it finds that the parents are unable to pay or that it is not in the best interest of the juvenile to have the juvenile's parents pay.

Sec. 2. 15 MRSA §3314, sub-§1, ¶A, as amended by PL 1977, c. 664, §34, is further amended to read:

A. The court may allow the juvenile to remain in the legal custody of his parents or a guardian under such conditions as the court may impose. Conditions may include participation by the juvenile, his parents or legal guardian in treatment services aimed at the rehabilitation of the juvenile and improvement of the home environment.

Sec. 3. 15 MRSA §3314, sub-§5 is enacted to read:

5. Support orders. Whenever the court commits a juvenile to the Department of Human Services or to a relative or other person, the court may order either or both parents of the juvenile to pay a reasonable amount of support for the juvenile. A parent may not be required to pay support for a juvenile during any period when the juvenile resides in the Maine Youth Center or a county jail.

Sec. 4. 15 MRSA §3317, as amended by PL 1985, c. 439, §17, is further amended to read:

§3317. Disposition after return to Juvenile Court

In instances of commitment of a juvenile to the Department of Corrections, the Department of Human Services or the Maine Youth Center, the commissioner of either department or the superintendent of the youth center following the commitment may for good cause petition the Juvenile Court having original jurisdiction in the case for a judicial review of the disposition, including extension of the period of commitment. In all cases in which a juvenile is returned to a Juvenile Court, the Juvenile Court may make any of the dispositions otherwise provided in section 3314. When reviewing a commitment to the

Department of Human Services, the court shall consider efforts made by the Department of Corrections and the Department of Human Services to reunify the juvenile with his parents or custodians, shall make a finding regarding those efforts and shall return custody of the juvenile to the a parent or legal custodian if the return of the juvenile would not be contrary to the welfare of the juvenile. A petition for judicial review of a disposition committing the child to the Department of Human Services shall be served on the parents at least 7 days prior to the hearing.

Effective September 29, 1987.

CHAPTER 401

H.P. 1334 — L.D. 1824

AN ACT to Expand Employment Opportunities for Minors under the Age of 16 Years.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there are many minors under the age of 16 years who desire to work during the summer months; and

Whereas, the encouragement of teenage employment is a desirable goal and these persons should not be discouraged from pursuing suitable work which does not pose a danger of harm; and

Whereas, current law prevents some of these persons from working in occupations which are clearly non-hazardous in nature and these laws cannot be changed in time to allow minors to work during this summer, unless enacted as an emergency; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

26 MRSA §773, as amended by PL 1975, c. 238, §2, is further amended by adding a new paragraph at the end to read:

The provisions of this section pertaining to manufacturing and mechanical establishments shall not apply to minors under 16 years of age who are employed on the grounds of a manufacturing or mechanical establishment, but who are assigned nonhazardous work which is performed outside of any building in which manufacturing or mechanical operations are undertaken.

Emergency clause. In view of the emergency cited

in the preamble, this Act shall take effect when approved.

Effective June 24, 1987.

CHAPTER 402

S.P. 576 — L.D. 1717

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine.

PART A

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 1 MRSA §402, sub-§3, ¶E, as amended by PL 1985, c. 695, §2 and c. 779, §2, is repealed and the following enacted in its place:

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Vocational-Technical Institute System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B.

Sec. 2. 1 MRSA §501-A, as amended by PL 1985, c. 584 and c. 779, §3, is repealed and the following enacted in its place:

§501-A. Publications of state agencies

The publications of all agencies and the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sec-