

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 604

H.P. 1483 — L.D. 2017

AN ACT Requiring that Curb Ramps be Constructed in Accordance with the American National Standards Institute Standards.

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

Sec. 1. 23 MRSA §706, as amended by PL 1975, c. 94, is further amended to read:

§706. Curbs

1. Location or construction. The Department of Transportation shall develop or approve standards for the location or construction of curbs on each side of a way in the business district or area as defined by the department, of any municipality for which curbs have been prescribed. Such standards shall provide for the location and construction of ramps so as to allow reasonable access to the crosswalks for physically handicapped and elderly people. Prior to October 1, 1988, these standards shall be adopted in a form to fully implement the specifications in the American National Standards Institute publication "Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People" (ANSI A 117.1, 1986).

2. Application. Standards set for curb ramping under subsection 1 shall not apply to any existing curb on October 3, 1973; but shall apply, to the extent reasonable, to all new curb construction and to all replacement curbs constructed in order to allow reasonable access to crosswalks after that date and prior to October 1, 1988, and shall apply to any new construction or reconstruction commenced after October 1, 1988.

3. Physically handicapped; adequate ramping. Adequate and reasonable access shall be provided for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State.

Sec. 2. Effective date. This Act shall take effect October 1, 1988.

Effective October 1, 1988.

CHAPTER 605

H.P. 1539 — L.D. 2094

AN ACT to Clarify Late Charges for Residential Dwelling Units.

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

14 MRSA §6028, first ¶, as enacted by PL 1987, c. 215, is amended to read:

A landlord may assess a penalty against a residential tenant for late payment of rent for a residential dwelling unit according to this section.

Effective August 4, 1988.

CHAPTER 606

H.P. 1571 — L.D. 2142

AN ACT Relating to Nonforfeiture and Valuation Standards for Fraternal Benefit Societies.

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

Sec. 1. 24-A MRSA §4116, 2nd and last ¶¶, as enacted by PL 1969, c. 132, §1, are amended to read:

In the case of certificates other than those for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Table or, the Commissioners 1958 Standard Ordinary Mortality Table, or such later tables as authorized for use by domestic life insurers, the value of every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the excess, if any, of 1 over 2 as follows:

In the case of certificates for which reserves are computed on the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Table or, the Commissioners 1958 Standard Ordinary Mortality Table, or such later tables as authorized for use by domestic life insurers, every paid-up nonforfeiture benefit and the amount of any cash surrender value, loan or other option granted shall not be less than the corresponding amount ascertained in accordance with the provisions of the laws of this State applicable to life insurers issuing policies containing like insurance benefits based upon such tables.

Sec. 2. 24-A MRSA §4134, sub-§6, ¶B, as amended by PL 1973, c. 625, §158, is further amended to read:

B. The minimum standard of valuation for certificates issued after January 1, 1970 shall be such interest assumptions and tables as authorized for use by domestic life insurers or 3 1/2% interest and the following tables:

(1) For certificates of life insurance: American Men Ultimate Table of Mortality, with Bowerman's or Davis' extension thereof or with the consent of the superintendent, the Commissioners 1941 Standard Ordinary Mortality Table, the Commissioners 1941 Standard Industrial Mortality Table or the Commis-

sioners 1958 Standard Ordinary Mortality Table, using actual age of the insured for male risks and an age more than 3 years younger than the actual age of the insured for female risks;

(2) For annuity and pure endowment certificates, excluding any disability and accidental death benefits in such certificates: The 1937 Standard Annuity Mortality Table or the Annuity Mortality Table for 1949, ultimate, or any modification of either of these tables approved by the superintendent;

(3) For total and permanent disability benefits in or supplementary to life insurance certificates: Hunter's Disability Table, or the class III disability table (1926) modified to conform to the contractual waiting period, or the tables of period 2 disablement rates and the 1930 to 1950 termination rates of the 1952 disability study of the Society of Actuaries with due regard to the type of benefit. Any such table shall, for active lives, be combined with a mortality table permitted for calculating the reserves for life insurance certificates;

(4) For accidental death benefits in or supplementary to life insurance certificates: The Intercompany Double Indemnity Mortality Table or the 1959 Accidental Death Benefits Table. Either table shall be combined with a mortality table permitted for calculating the reserves for life insurance certificates; and

(5) For noncancellable accident and health benefits: The class III disability table (1926) with conference modifications or, with the consent of the superintendent, tables based upon the society's own experience.

Effective August 4, 1988.

CHAPTER 607

H.P. 1696 — L.D. 2329

AN ACT to Control Vehicle Speeds on Public Easements.

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

29 MRSA §1251, first ¶, as amended by PL 1987, c. 257, §2, is further amended to read:

Except as provided in section 1255 and notwithstanding section 1252, subsection 2, the Commissioner of Transportation, with the consent and approval of the Chief of the Maine State Police, shall have the authority to restrict the maximum rate of speed allowed by law or established by the commissioner with the consent and approval of the Chief of the Maine State Police at any and all points on the highway where in the opinion of the

commissioner, with the consent and approval of the Chief of the Maine State Police, an adjusted speed limit will minimize the danger of accident, promote the free flow of traffic, conserve motor fuel or respond to changes in federal laws, and in each such place shall fix the rate of speed in accordance with his own judgment. For the purposes of this section and section 1252, the Department of Transportation may fix the rate of speed upon any discontinued or abandoned town way over which a municipality has retained a public easement and the posted rate of speed upon that public easement may be enforced in the same manner as upon any public way, street or highway. The Department of Transportation, with the consent and approval of the Chief of the Maine State Police, shall have authority to increase the speeds of all motor vehicles at any and all points on the highway where, in its opinion, higher speeds are warranted to promote the normal and reasonable movement of traffic, provided that such increased speed shall not exceed 60 miles per hour for vehicles, except on the interstate system or other divided controlled-access highways such increased speed shall not exceed 65 miles per hour for vehicles. Any adjustment to the rate of speed established pursuant to this section shall be exempt from the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375. This section shall not apply to that portion of the interstate system which is part of the Maine Turnpike.

Effective August 4, 1988.

CHAPTER 608

H.P. 1711 — L.D. 2348

AN ACT to Regulate the Taking of Turtles for Commercial Purposes.

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

Whereas, snapping turtles are harvested during the summer months; and

Whereas, the inhumane disposal of unwanted snapping turtles in the past has created a nuisance and public health hazard; and

Whereas, rules regarding snapping turtles should be promulgated by the Department of Inland Fisheries and Wildlife before the next season; 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: