

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,
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Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
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1987

lowing provisions apply to the confidentiality of customer information.

A. Records containing the following information shall be confidential and are not public records for the purpose of Title 1, section 402, subsection 3:

(1) Information acquired by the Consumer Assistance Division regarding the payment and credit history and financial condition of a customer who has requested the assistance of the division; and

(2) Information acquired by the Consumer Assistance Division regarding the medical condition of a customer or member of a customer's family.

B. Notwithstanding paragraph A, any person, agency or public utility directly involved in the investigation of an individual customer matter shall be given access to the information which is pertinent to the complaint.

C. Compilations of information in which the customer's identity is not disclosed are not confidential.

D. The Consumer Assistance Division shall prepare its decisions or abstracts of decisions in a manner which protects the confidentiality of customer information as provided by this subsection. Those decisions or abstracts of decisions shall be available for public access.

Effective August 4, 1988.

CHAPTER 615

H.P. 1497 — L.D. 2047

AN ACT to Require Gasoline Stations which Provide Self-Service at a Lower Rate to Provide Services at the Same Rate for Handicapped Drivers.

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

10 MRSA §1661-A is enacted to read:

§1661-A. Gasoline stations to provide services for handicapped drivers

Every full-service gasoline station offering self-service pumping at a lesser cost shall require an attendant employed by the station to dispense gasoline to any motor vehicle properly displaying a handicapped placard or special designating plates issued under Title 29, section 252, when the person to whom the placard or plates have been issued is the operator of the vehicle, the service is requested, the operator has a drivers license designated with a code H, restricted to special equipment, and there is no nonhandicapped adult in the motor vehicle.

Effective August 4, 1988.

CHAPTER 616

H.P. 1457 — L.D. 1968

AN ACT to Provide for a Record of the Facility Designated for Confinement in Criminal Cases.

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

15 MRSA §1707, as repealed and replaced by PL 1977, c. 114, §28, is repealed and the following enacted in its place:

§1707. Record to designated facility

Whenever a person is convicted of a crime and sentenced to a term of imprisonment which is to be served in the custody of the Department of Corrections, the clerk of the court shall make and forward to the head of the correctional facility designated as the initial place of confinement by the Commissioner of Corrections pursuant to Title 17-A, section 1258, a record containing copies of the docket entries and charging instrument, together with a statement of any fact or facts which the presiding justice may deem important or necessary for a full comprehension of the case. This record shall be delivered to the head of the designated correctional facility within 10 days of the date the prisoner is received at that facility. At the time a person, so sentenced, is delivered to the designated correctional facility, a copy of the judgment and commitment shall be given to the receiving officer at that facility.

Effective August 4, 1988.

CHAPTER 617

H.P. 1753 — L.D. 2402

AN ACT to Provide a Method for Taxation of Real Property When Owner is Unknown.

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

36 MRSA §557-A is enacted to read:

§557-A. Assessment; unknown owner

In the case of real property for which no owner is known to the assessors for at least the preceding 20 tax years and for which the assessor has, with reasonable diligence, attempted to determine ownership, the following assessment procedure, in its entirety, may be used.

Property of an unknown owner is to be assessed as other property, except that the owner shall be indicated as "unknown." Additionally, the assessing shall be

advertised for 3 consecutive weeks in a newspaper of general circulation in the county in which the property is located. The notice shall describe the real estate which is to be assessed so that a reasonable person may know, with probable certainty, what premises are to be subject to the tax, together with a statement that the property is to be assessed to an unknown owner as the result of the failure of a reasonable search to ascertain an owner of record. This newspaper publication shall be sufficient legal notice of that assessment. At the time of this publication, a copy of the same notice shall be sent by certified mail, return receipt requested, to each abutting property owner.

When this notice procedure is used for assessment purposes and if the owner of property is still unknown, the tax collector and treasurer shall use the same procedure for those notices required under sections 942 and 943.

Effective August 4, 1988.

CHAPTER 618

S.P. 865 — L.D. 2254

AN ACT Pertaining to Fire Permit Enforcement.

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

Sec. 1. 12 MRSA §9321, sub-§5-A is enacted to read:

5-A. Notification. Any person authorized by this subchapter to issue permits for open burning who issues a permit for out-of-door burning within a municipality shall notify the municipal officers or fire chief of that municipality that the permit has been issued.

Sec. 2. 12 MRSA §9321-A is enacted to read:

§9321-A. Possession and production of permit required; violation

1. Possession and production of permit in organized territory. Any person, firm or corporation which engages in out-of-door burning in any municipality, plantation or village corporation as permitted by this article shall possess the permit at the scene of the burning and shall produce the permit on the demand of authorized persons, including fire chiefs, town forest fire wardens or their designated agents, state forest rangers and any law enforcement officer as defined in Title 17-A.

2. Violation. Any person, firm or corporation which violates this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

Effective August 4, 1988.

CHAPTER 619

H.P. 1517 — L.D. 2070

AN ACT to Require Dealers in All-Terrain Vehicles to Provide Written Warranties.

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

Sec. 1. 12 MRSA 7851, sub-§2, as enacted by PL 1983, c. 297, §§1 and 3, is amended to read:

2. All-terrain vehicle. "All-terrain vehicle" means a motor driven, off-road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel or low pressure tire vehicle; a motorcycle or related 2-wheel, 3-wheel or belt-driven vehicle; an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this subchapter, "all-terrain vehicle" does not include an automobile as defined in Title 29, section 1, subsection 1-C; a motor truck as defined in Title 29, section 1, subsection 6; a snowmobile; an airmobile; a construction or logging vehicle used in performance of its common functions; a farm vehicle used for farming purposes; a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

Sec. 2. 12 MRSA §7855, sub-§6 is enacted to read:

6. Warranties and information on used ATV's. Any dealer who offers a warranty in connection with the sale or transfer of a used ATV shall furnish a written statement concerning that warranty. The statement regarding the warranty shall indicate the parts or systems of the vehicle that are covered and those not covered by the warranty and what the dealer will do in the event of a defect and at whose expense.

The dealer shall also furnish before sale a written statement identifying any and all defects known to the dealer and any type of damage that the vehicle has sustained if such information is known to the dealer.

Effective August 4, 1988.

CHAPTER 620

H.P. 1809 — L.D. 2475

AN ACT to Clarify the Access of the Commissioner of Educational and Cultural Services to Employee Records for Certification of Educational Personnel.

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