

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
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

H. "Interested stockholder," when used in reference to any domestic corporation, means any person, other than that domestic corporation or any subsidiary of that domestic corporation, that:

(1) Is the beneficial owner, directly or indirectly, of 25% or more of the outstanding voting stock of that domestic corporation; or

(2) Is an affiliate or associate of that domestic corporation and at any time within the 5-year period immediately prior to the date in question was the beneficial owner, directly or indirectly, of 25% or more of the outstanding voting stock of that domestic corporation. For the purpose of determining whether a person is an interested stockholder pursuant to this paragraph, the number of shares of voting stock of that domestic corporation deemed to be outstanding shall include shares deemed to be beneficially owned by the person through application of paragraph D, but shall not include any other unissued shares of voting stock of that domestic corporation which may be issuable pursuant to any agreement, arrangement or understanding, or upon exercise of conversion rights, warrants or options, or otherwise; provided that the term "interested stockholder" does not include any person whose ownership of voting stock in excess of the 25% limitation set forth in this section is the result of action taken solely by the corporation and not caused directly or indirectly by that person, provided that that person is an interested stockholder if thereafter that person acquires additional shares of voting stock of the corporation, except as a result of further corporate action not caused, directly or indirectly, by that person.

I. "Market value," when used in reference to property of any domestic corporation, means:

(1) In the case of stock, the highest closing sale price during the 30-day period immediately preceding the date in question of a share of that stock on the composite tape for New York Stock Exchange listed stocks, or, if that stock is not quoted on that composite tape or, if that stock is not listed on that exchange, on the principal United States Securities Exchange registered under the Exchange Act on which that stock is listed, or, if that stock is not listed on any such exchange, the highest closing bid quotation with respect to a share of that stock during the 30-day period preceding the date in question on the National Association of Securities Dealers, Inc. Automated Quotations System, or any system then in use, or, if no such quotations are available, the fair market value on the date in question of a share of that stock as determined in good faith by the board of directors of that corporation; and

(2) In the case of property other than cash or stock, the fair market value of that property on the date in question as determined in good faith by the board of directors of that domestic corporation.

J. "Stock" means:

(1) Any stock or similar security, any certificate of interest, any participation in any profit-sharing agreement, any voting trust certificate or any certificate of deposit for stock; and

(2) Any security convertible, with or without consideration, into stock or any warrant, call or other option or privilege of buying stock without being bound to do so, or any other security carrying any right to acquire, subscribe to or purchase stock.

K. "Stock acquisition date," with respect to any person and any domestic corporation, means the date that that person first becomes an interested stockholder of that domestic corporation.

L. "Subsidiary" of any domestic corporation means any other corporation of which voting stock having 50% or more of the votes entitled to be cast is owned, directly or indirectly, by that domestic corporation.

M. "Voting stock" means shares of stock of a corporation entitled to vote generally in the election of directors.

4. The requirements of this section shall be in addition to the requirements of applicable law, including this Act, and any additional requirements contained in the articles of incorporation or bylaws of a domestic corporation with respect to business combinations as defined in this section.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 6, 1988.

CHAPTER 682

S.P. 238 — L.D. 657

AN ACT Amending the Workers' Compensation Laws Exempting Design Professionals from General Civil Liability for Injuries on Construction Projects.

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

Sec. 1. 39 MRSA §2, sub-§1, ¶¶G and H, as enacted by PL 1979, c. 663, §240, are amended to read:

G. Municipal school committees; and

H. Union school committees; and

Sec. 2. 39 MRSA §2, sub-§1, ¶I is enacted to read:

I. Design professional.

Sec. 3. 39 MRSA §2, sub-§4-A is enacted to read:

4-A. Design professional. "Design professional" means:

A. An architect, professional engineer, landscape architect, land surveyor, geologist or soil scientist licensed to practice that profession in the State in accordance with Title 32; or

B. Any corporation or partnership, professional or general, which employs one or more of any of the professionals described in paragraph A and whose sole purpose is the rendering of professional services practiced by any professional described in paragraph A.

Sec. 4. 39 MRSA §4, as amended by PL 1985, c. 737, Pt. A, §117, is further amended by adding at the end a new paragraph to read:

A design professional acting within the course and scope of providing professional services during the construction, erection or installation of any project or a design professional's employee who is acting within the course and scope of assisting or representing the design professional in the performance of design professional services on or adjacent to the site of the project's construction, erection or installation is immune from liability for any personal injury or death, occurring at or adjacent to such a site, if compensation is paid to the injured person or decedent's representative for the injury or death under this Act, and the design professional has no duty under a written contract to assume responsibility for construction site safety. The immunity provided by this section to any design professional shall not apply to the negligent preparation of design plans and technical specifications. Except as provided by this section, any waiver, oral or written, express or implied, of the design professional's immunity granted by this section shall be void and unenforceable as a matter of law.

Sec. 5. Application. This Act applies to causes of action that accrue on or after the effective date of this Act.

Effective August 4, 1988.

CHAPTER 683

S.P. 978 — L.D. 2599

AN ACT to Require Motor Vehicles to Stay in the Right Lane Except for Passing.

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

29 MRSA §992, as amended by PL 1983, c. 818, §12, is further amended by adding at the end a new paragraph to read:

The operator of a vehicle driving on any portion of a limited-access roadway where the speed limit is 65 miles per hour shall be restricted in ordinary operation to the right-hand lane and may use the adjacent lane or lanes for overtaking and passing another vehicle, but shall return to the right-hand lane at the earliest opportunity. This requirement shall not apply to authorized emergency vehicles, nor to any vehicle when otherwise directed by posted signs, by a law enforcement officer or by a highway maintenance crew.

Effective August 4, 1988.

CHAPTER 684

H.P. 1895 — L.D. 2590

AN ACT to Extend the Coyote Night Hunting Season.

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

Sec. 1. 12 MRSA §7108, sub-§1, as reenacted by PL 1985, c. 819, Pt. B, §5, is amended to read:

1. Eligibility. Any person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to hunt coyotes at night, except that no permit may be issued to any person who has been convicted of a violation of section 7406, subsection 5, within 5 years of the date of application for the permit. A coyote night hunting permit may not be renewed unless the applicant has returned a completed coyote hunting questionnaire from the previous year.

Sec. 2. 12 MRSA §7108, sub-§3, as reenacted by PL 1985, c. 819, Pt. B, §5, is amended to read:

3. Open season. Notwithstanding section 7406, subsection 5, there shall be an open season for hunting coyotes at night in all counties of the State from January 1st to ~~March 31st~~ April 30th in 1989 and 1990 and January 1st to March 31st thereafter. The commissioner may terminate this open season at any time in any area if, in his opinion, an immediate emergency action is necessary due to adverse weather conditions or illegal hunting activity.

Sec. 3. 12 MRSA §7108, sub-§4, ¶A, as reenacted by PL 1985, c. 819, Pt. B, §5, is amended to read:

A. All hunting shall be limited to the hours between 1/2 hour after sunset ~~and 9 p.m. and to the hours between 4 a.m. and 1/2 hour before sunrise, and shall cease at midnight each Saturday and may resume at 12:01 a.m. each Monday.~~

Sec. 4. Effective date. Section 1 of this Act shall take effect May 1, 1989.

Effective August 4, 1988, except as otherwise indicated.
