

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
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of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

such maturity occurs or any such payment is required, the amount being referred to as the "capital reserve requirement," except for the purpose of paying the amount due at any such maturity or the sinking fund payment and payable with respect to revenue obligation securities, repayment of which is secured by any such fund.

4. Issuance limit. The authority may provide that it shall not issue revenue obligation securities if the capital reserve requirement with respect to securities outstanding and then to be issued and secured by any such fund will exceed the amount of any such fund, including the amount available to be drawn on any letter of credit given to secure the capital reserve requirement, at the time of issuance, unless the authority, at the time of issuance of the securities, shall deposit in any such fund from proceeds of the securities so to be issued, or from other sources, an amount, which, together with the amounts then in any such fund and amounts available to be drawn under any letter of credit, will not be less than the capital reserve requirement.

Sec. 13. 10 MRSA §1053, sub-§6, as amended by PL 1985, c. 714, §33, is further amended to read:

6. Securities outstanding. The authority shall not have at any one time outstanding revenue obligation securities to which subsection 5 is stated in the trust agreement or other document to apply in principal amount exceeding an amount equal to \$50,000,000 less the aggregate outstanding balance of mortgage loans secured by capital reserve funds pursuant to section 1032. The amount of revenue obligation securities issued to refund securities previously issued shall not be taken into account in determining the principal amount of securities outstanding, provided that proceeds of the refunding securities are applied as promptly as possible to the refunding of the previously issued securities. In computing the total amount of revenue obligation securities of the authority which may at any time be outstanding for any purpose, the amount of the outstanding revenue obligation securities that have been issued as capital appreciation bonds or as similar instruments shall be valued as of any date of calculation at their then current accreted value rather than their face value.

Sec. 14. 10 MRSA §1100-N, sub-§3 is enacted to read:

3. Business support group initiative. Notwithstanding anything in this section to the contrary, the authority and any contracting community action agency may delegate application review, loan approval and servicing decisions to one or more designated business support groups in the area served by the contracting community action agencies, subject to the following requirements.

A. Each group shall be composed of not less than 5 individuals, corporations or partnerships which meet the eligibility criteria for job-start program applicants, are hopeful of starting or expanding separate businesses eligible for job-start financing and have community or other ties demonstrating a common mission or purpose.

B. Each group must agree to undergo a business management training program established by the authority and each group member must agree to provide business support to other members of the group.

C. The authority, in consultation with contracting community action agencies, may set aside by rule not more than \$75,000 in the aggregate for purposes of this initiative, which will be available for loans to business support group members.

D. The authority shall establish by rule limitations on the amount of loans which may be approved by each business support group and shall establish incentives which condition release of loan funds to each group on successful compliance with loan conditions and payment obligations on prior loans made to group members.

Effective August 4, 1988.

CHAPTER 698

S.P. 768 — L.D. 2025

AN ACT to Increase the Eligibility of Juveniles for Attendant Care.

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

Sec. 1. 15 MRSA §3003, sub-§2-A, as enacted by PL 1985, c. 439, §1, is amended to read:

2-A. Attendant; attendant care. "Attendant" means an agent of a county sheriff or of the Department of Corrections who is authorized to provide temporary supervision of a juvenile alleged to have committed a juvenile crime or of a juvenile adjudicated as having committed a juvenile crime when supervision is appropriate as an interim measure pending the completion of a procedure authorized by law to be taken in regard to such juvenile. Supervision shall be exercised during that period beginning with receipt of the juvenile by the attendant and ending upon the release of the juvenile to his legal custodian or other responsible adult. This supervision constitutes "attendant care."

Sec. 2. 15 MRSA §3203-A, sub-§1, ¶A-1, as enacted by PL 1987, c. 398, §3, is amended 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, including an agency which provides attendant care.

Sec. 3. 15 MRSA §3203-A, sub-§4, ¶B, as enacted by PL 1985, c. 439, §9, is amended to read:

B. Release may be unconditional or conditioned upon the juvenile's promise to appear for subsequent official proceedings or, if a juvenile cannot appropriately be released on one of these 2 bases, upon the least onerous of the following conditions, or combination of conditions, necessary to ensure his appearance:

- (1) Upon the written promise of his legal custodian to produce the juvenile for subsequent official proceedings or at any place or time when so ordered by the juvenile caseworker or the Juvenile Court;
- (2) Upon the juvenile's voluntary agreement to placement into the care of a responsible person or organization, including one providing attendant care;
- (3) Upon prescribed conditions, reasonably related to securing the juvenile's presence at subsequent official proceedings or at any place or time when so ordered by the juvenile caseworker or the court, restricting the juvenile's activities, associations, residence or travel; or
- (4) Upon such other prescribed conditions as may be reasonably related to securing the juvenile's presence at subsequent official proceedings or at any place or time when so ordered by the juvenile caseworker or the court.

Upon imposition of any condition of release described in subparagraph (2), (3) or (4), the juvenile caseworker shall provide the juvenile with a copy of the condition imposed and inform the juvenile of the right to have the condition reviewed by the Juvenile Court pursuant to subsection 10 of the consequences applicable to violation of any condition.

Sec. 4. 15 MRSA §3310-A is enacted to read:

§3310-A. Attendant care

Whenever a juvenile who is adjudicated as having committed a juvenile crime is taken into custody as an interim measure pending the completion of a procedure authorized by law to be taken in regard to such juvenile, the juvenile may be placed into attendant care under the same circumstances and upon the same conditions as if the juvenile were one alleged to have committed a juvenile crime.

Effective August 4, 1988.

CHAPTER 699

S.P. 848 — L.D. 2204

AN ACT to Protect Elderly, Infirm Persons from Improvident Transfer of Title to Property.

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

Sec. 1. 33 MRSA c. 20 is enacted to read:

CHAPTER 20

IMPROVIDENT TRANSFERS OF TITLE

§1021. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Dependent. "Dependent," with respect to an elderly person, means wholly or partially dependent upon one or more other persons for care or support, either emotional or physical, because the elderly person:

A. Suffers from a significant limitation in mobility, vision, hearing, emotional or mental functioning or the ability to read or write; or

B. Is suffering or recovering from a major illness or is facing or recovering from major surgery.

2. Elderly person. "Elderly person" means a person who is 60 years of age or older.

3. Independent counsel. "Independent counsel" means an attorney retained by the elderly dependent person to represent only that person's interests in the transfer.

4. Less than full consideration. "Less than full consideration," with respect to a transfer of property, means the transferee pays less than fair market value for the property or the transfer is supported by past consideration.

5. Major transfer of personal property or money. "Major transfer of personal property or money" means a transfer of money or items of personal property which represent 10% or more of the elderly dependent person's estate.

§1022. Undue influence

1. Presumption. In any transfer of real estate or major transfer of personal property or money for less than full consideration by an elderly person who is dependent on others to a person with whom the elderly dependent person has a confidential or fiduciary relationship, it shall be presumed that the transfer was the result of undue influence, unless the elderly dependent person was represented in the transfer by independent counsel. When the elderly dependent person successfully raises the presumption of undue influence by a preponderance of the evidence and when the transferee fails to rebut the presumption, the elderly dependent person shall be entitled to avoid the transfer and be entitled to the relief set forth in section 1024.

2. Confidential or fiduciary relationship. For the pur-