

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

A retail seller of fuel to be used by vehicles on public highways shall post the price on each pump of the fuel available at that pump by a sign no less than 64 square inches and in a manner that is clearly visible to a driver approaching the pump. On multi-grade pumps, the posted price shall be for the lowest priced unleaded regular gasoline. The sign should indicate the difference in price for full-service, mini-service and self-service if more than one grade of service is available at that pump.

Effective August 4, 1988.

CHAPTER 719

S.P. 895 — L.D. 2324

AN ACT Establishing a Medicare Assignment Program.

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

32 MRSA §3297, as enacted by PL 1983, c. 325, is amended by adding at the end a new paragraph to read:

The Board of Registration in Medicine, the Board of Osteopathic Examination and Registration, the Board of Examiners of Podiatrists and the Board of Chiropractic Examination and Registration shall enforce the provisions of this section and shall inform each licensee of their obligation under this law. Each board shall have the authority to discipline a licensee under its jurisdiction for failing to comply with this section and shall have the authority to impose a monetary penalty of not less than \$100 and not more than \$1,000 for each violation.

Effective August 4, 1988.

CHAPTER 720

H.P. 1486 — L.D. 2020

AN ACT to Amend the Maine Juvenile Code to Expand Notice Provisions.

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

Sec. 1. 15 MRSA §3304, sub-§5, as amended by PL 1977, c. 664, §24, is further amended to read:

5. Service of summons on parents of juvenile. If the person or persons to whom a summons is served are not the parents or guardian of the juvenile, the summons shall also be issued to the parents or guardian or both notifying them of the pendency of the cause and of the time and place set for hearing. The court may waive this requirement if it finds that the service of the summons is not possible and explains this finding in writing, except as required by section 3314, subsection 1, paragraph C-1 or C-2.

Sec. 2. 15 MRSA §3304, sub-§6-A, as amended by PL 1985, c. 439, §13, is further amended to read:

6-A. Effect of nonappearance of parent or custodian. The failure of a parent, guardian or legal custodian to appear in response to the summons or for a later hearing, or the inability to serve such a party, shall not prevent the court from continuing with the proceedings against a juvenile who is before the court, except as provided required in section 3314, subsection 1, paragraphs ~~D~~ and ~~E~~ C-1 and C-2.

Sec. 3. 15 MRSA §3305, 2nd ¶, as enacted by PL 1977, c. 520, §1, is amended to read:

Upon the acceptance of such an answer, a dispositional hearing shall be set at the earliest practicable time that will allow for the completion of a predisposition study conducted pursuant to section 3311 and for service of notice as required by section 3314, subsection 1, paragraph C-1 or C-2.

Sec. 4. 15 MRSA §3312, sub-§3, as amended by PL 1979, c. 373, §5, is repealed and the following enacted in its place:

3. Continuation of dispositional hearing. A dispositional hearing may be continued in the following circumstances.

A. The court may continue the dispositional hearing, either on its own motion or on the motion of any interested party:

(1) For a period not to exceed one month to receive reports or other evidence;

(2) For a period not to exceed 2 months to allow for service of notice as required in section 3314, subsection 1, paragraph C-1 or C-2; or

(3) For a period not to exceed 12 months in order to place the juvenile in a supervised work or service program or a restitution program, or for such other purpose as the court in its discretion determines appropriate. If a supervised work or service program or restitution program has been ordered, the court shall on final disposition consider whether or not there has been compliance with the program so ordered.

B. If the hearing is continued, the court shall make an appropriate order for detention of the juvenile or for the juvenile's release in the custody of the juvenile's parents, guardian, legal custodian or other responsible person or agency under such conditions of supervision as the court may impose during the continuance. The court may order a juvenile into the temporary custody of the Department of Human Services only if the following conditions are met:

(1) That service of notice of the dispositional hear-

ing as required under section 3314, subsection 1, paragraph C-1, has not been made on parents who reside outside the State or whose whereabouts are unknown after a diligent search;

(2) That the Department of Human Services has:

(a) Received written notice of the hearing on temporary custody at least 10 days before the hearing, provided that the department may waive this 10-day requirement in writing; and

(b) Had an opportunity to be heard before any order of temporary custody;

(3) That notice under section 3314, subsection 1, paragraph C-1, has been served on the juvenile's legal custodian at least 10 days before any order of temporary custody to the Department of Human Services and that the legal custodian has had an opportunity to be heard before the issuance of a temporary order, provided that the juvenile's custodian may waive the 10-day notice requirement if the waiver is in writing and voluntarily and knowingly executed in court before a judge;

(4) That the court finds that either:

(a) The juvenile does not meet the criteria for detention; or

(b) It is not necessary or appropriate to detain the juvenile; and

(5) That the court finds by a preponderance of the evidence that:

(a) Reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home;

(b) Continuation in the juvenile's home during the period required for service of notice under section 3314, subsection 1, paragraph C-1, would be contrary to the welfare of the juvenile; and

(c) Temporary custody is necessary to provide for the care and support of the juvenile during this period.

Any order of temporary custody terminates upon an order of disposition under section 3314, or automatically 2 months after issuance, whichever occurs first.

C. In scheduling investigations and hearings, the court shall give priority to proceedings concerning a juvenile who is in detention or who has otherwise been removed from the juvenile's home before an order of disposition has been made.

Sec. 5. 15 MRSA §3314, sub-§1, ¶C-1, as enacted by PL 1985, c. 439, §16, is amended to read:

C-1. The court may commit a juvenile to the custody of the Department of Human Services when the court has determined that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from his home and that continuation therein would be contrary to the welfare of the juvenile. The court may not enter an order under this paragraph unless the parents have had notice and an opportunity to be heard at the dispositional hearing.

~~Notwithstanding any other provision of law, the court shall not commit a juvenile to the custody of the Department of Human Services until at least 10 days have elapsed from the date on which service pursuant to section 3304 was effected unless such notice has been served on the parents, custodians and the Department of Human Services in accordance with District Court civil rules at least 10 days prior to the dispositional hearing. A party may waive this time requirement if the waiver is written and voluntarily and knowingly executed in court before a judge.~~

The Department of Human Services shall provide for the care and placement of the juvenile as for other children in the department's custody pursuant to the Child and Family Services and Child Protection Act, Title 22, chapter 1071, subchapter VII.

Effective August 4, 1988.

CHAPTER 721

H.P. 1801 — L.D. 2465

AN ACT to Amend Maine's Domestic Relations Laws.

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

19 MRSA §752, sub-§12, as amended by PL 1987, c. 179, §3, is repealed and the following enacted in its place:

12. Modification of orders; compulsory process. Upon the motion of one or both of the parents, or any agency or person who has been granted parental rights and responsibilities or contact with respect to a child under this section, the court may alter its order concerning parental rights and responsibilities or contact with respect to a minor child as circumstances require. The parties shall be referred to mediation as under subsection 4.

The relocation, or intended relocation, of a child resident in this State to another state by a parent, when the other parent is a resident in this State and there exists an award of shared or allocated parental rights and responsibilities concerning the child, is a substantial change in circumstances.