

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

---

J.S. McCarthy Company  
Augusta, Maine  
1989

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

---

United States Code, Title 26, shall be allocated to the Maine Municipal Bond Bank, which may further allocate that portion of the state ceiling to bonds requiring an allocation in order to qualify as tax-exempt bonds.

**Sec. 2. 10 MRSA §363, sub-§9**, as enacted by PL 1987, c. 413, §4, is amended to read:

**9. Use of carry-forward.** In the event that any issuer has made a ~~carry-forward~~ carry-forward election under the United States Code, Title 26, Section 146(f), as amended, the issuer shall use, to the extent possible and consistent with the purpose for which the ~~carry-forward~~ carry-forward was elected, the ~~carry-forward~~ carry-forward for issues subject to the state ceiling prior to allocating any portion of the state ceiling for the applicable calendar year to the issue. To the extent permitted by federal law, the issuers specifically identified in subsections 4 to 8 may reallocate, by unanimous written agreement executed by representatives of each of the issuers, carry-forward amounts from one of the specific issuers designated in this section to another specific issuer.

**Sec. 3. 30-A MRSA §5957**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10 is further amended to read:

**§5957. Allocation of state ceiling**

By rulemaking under Title 5, chapter 375, subchapter II, the bank may establish a process for allocation and ~~carry-forward~~ carry-forward of that portion of the state ceiling on issuance of tax-exempt bonds allocated to the bank under Title 10, chapter 9. The executive director of the Maine Municipal Bond Bank is designated as the state official authorized to issue the certification under the United States Code, Title 26, Section 149(e)(2)(F), as amended, for allocations of the state ceiling allocated to the bank pursuant to Title 10, chapter 9.

**Sec. 4. 35-A MRSA §2906, sub-§2** is enacted to read:

**2. Allocation of state ceiling.** The bank may establish a process for allocation and carry-forward of that portion of the state ceiling on issuance of tax-exempt bonds allocated to the bank under Title 10, chapter 9. The executive director is designated as the state official authorized to issue the certification under the United States Code, Title 26, Section 149(e)(2)(F), as amended, for allocations of the state ceiling allocated to the bank pursuant to Title 10, chapter 9.

**Sec. 5. Allocation to the Treasurer of State.** Twenty million dollars of the state ceiling for calendar year 1989, previously allocated to the Treasurer of State, shall remain allocated to the Treasurer of State. Twenty million dollars of the state ceiling for calendar year 1990 is allocated to the Treasurer of State to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5.

**Sec. 6. Allocation to the Finance Authority of Maine.** The \$25,000,000 in state ceiling for calendar year

1989 previously allocated to the Finance Authority of Maine, plus an additional \$31,500,000, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6. Twenty-five million dollars of the state ceiling for calendar year 1990 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

**Sec. 7. Allocation to the Maine Municipal Bond Bank.** The \$12,000,000 of the state ceiling previously allocated to the Maine Municipal Bond Bank for calendar year 1989 plus an additional \$21,000,000 of the state ceiling for calendar year 1989 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7. Ten million dollars of the state ceiling for calendar year 1989 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

**Sec. 8. Allocation to the Maine Educational Loan Authority.** Thirteen million five hundred thousand dollars of the state ceiling for calendar year 1989 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 8. Thirty million dollars of the state ceiling for calendar year 1990 is allocated to the Maine Educational Loan Authority to be used or reallocated in accordance with Title 10, section 363, subsection 8.

**Sec. 9. Allocation to the Maine State Housing Authority.** Ten million dollars of the state ceiling for calendar year 1989 previously allocated to the Maine State Housing Authority plus an additional \$17,000,000 is allocated to the Maine State Housing Authority to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 4. Ten million dollars of the state ceiling for calendar year 1990 is allocated to the Maine State Housing Authority for the same uses.

**Sec. 10. Unallocated state ceiling.** Fifty-five million dollars of the state ceiling for calendar year 1990 is unallocated and shall be reserved for future allocation in accordance with applicable law.

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

Effective June 5, 1989.

---



---

**CHAPTER 225**

**H.P. 676 - L.D. 925**

**An Act to Clarify the Laws Relating to Marriage**

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

**Sec. 1. 19 MRSA §61, first ¶,** as amended by PL 1983, c. 686, §1, is further amended to read:

Residents of the State intending to be joined in marriage shall cause notice of their intentions to be recorded in the office of the clerk of the town in which each resides, at least 3 days before a ~~certificate of such intentions~~ marriage license is granted issued. If one only of the parties resides in the State, ~~they~~ the parties shall cause notice of their intentions to be recorded in the office of the clerk of the town in which ~~such~~ the resident party resides, at least 3 days before ~~such certificate~~ the license is granted. If there is no ~~such~~ clerk in the place of their residence, the ~~like~~ entry shall be made with the clerk of an adjoining town. If both parties reside out of the State, they shall cause notice of their intentions to be recorded in the office of the clerk of the town in which ~~such~~ the parties propose to have the marriage solemnized, at least 3 days before ~~such certificate~~ the license is granted issued. ~~The book in which such the record is made shall be labeled on the outside of its cover, "Record of Intentions of Marriage," and be kept open to public inspection in the office of the clerk.~~

**Sec. 2. 19 MRSA §61,** as amended by PL 1987, c. 126, §2, is further amended by adding after the first paragraph a new paragraph to read:

The parties wishing to cause notice of their intentions of marriage shall submit an application for recording notice of their intentions of marriage. The application shall include a signed certification that the information recorded on the application is correct and that the applicant is free to marry according to the laws of this State. The applicant's signature shall be acknowledged before an official authorized to take oaths. Applications recording notice of intentions to marry shall be open for public inspection in the office of the clerk.

**Sec. 3. 19 MRSA §62,** as amended by PL 1987, c. 126, §3, is repealed and the following enacted in its place:

### §62. Marriage license

1. Marriage license issued. On and after the 3rd day from the filing of notice of intentions of marriage, except as otherwise provided, the clerk shall deliver to the parties a marriage license specifying the time when the intentions were recorded. The license is void if not used within 90 days from the day the intentions are filed in the offices of the municipal clerks as specified in section 61.

2. Ceremony performed. Each marriage license issued shall be completed and the certification statement signed by both parties to the intended marriage. The completed license or licenses shall be delivered to the person solemnizing the marriage. Upon completion of the solemnization, which shall be performed in the presence of at least 2 witnesses other than the person officiating, the person officiating and the 2 witnesses shall sign the license or licenses, which, from then on, shall be known as the marriage certificate or certificates.

3. Related parties. No marriage license may be issued to parties related as described in section 31, subsection 2, unless the clerk has received from the parties the physician's certificate of genetic counseling required by section 61.

4. Parties under 18 years of age. No marriage license may be issued to persons under 18 years of age without the written consent of their parents, guardians or persons to whom a court has given custody. In the absence of persons qualified to give consent, the Judge of Probate in the county where the minors reside may grant consent, after notice and hearing. When 2 licenses are required and when either or both applicants for a marriage license are under the ages specified in this section, the written consent shall be given for the issuance of both licenses in the presence of the clerk issuing the licenses or by acknowledgment under seal filed with that clerk.

5. Parties under 16 years of age. No marriage license may be issued to a person under 16 years of age without the written consent of that minor's parents, guardians or persons to whom a court has given custody and without the municipal clerk having notified the Judge of Probate in the county in which the minor resides of the filing of these intentions and having received in writing the consent from the judge to issue the license. If no written consent from the judge has been received by the 10th day from the filing of notice of intentions of marriage, consent shall be deemed to have been received, and the clerk shall issue the license. The Judge of Probate, in the interest of public welfare, may order, after notice and opportunity for hearing, that no license be issued.

6. Penalties. Whoever contracts a marriage or makes false representations to procure the license provided for in this section, or the solemnization of marriage in violation of this chapter, shall forfeit \$100. The clerk of any town or the clerk's deputy who intentionally violates this section or falsely states the residence of either party named in the certificate shall forfeit \$20 for each offense.

**Sec. 4. 19 MRSA §121,** as amended by PL 1987, c. 736, §38, is further amended to read:

### §121. Authorization; license

Every justice, judge, lawyer admitted to the Maine Bar, justice of the peace or notary public under Title 4, chapter 19, residing in this State may solemnize marriages in this State. Every ordained minister of the gospel, ~~clergyman~~ cleric engaged in the service of the religious body to which ~~he~~ the cleric belongs or person licensed to preach by an association of ministers, religious seminary or ecclesiastical body, whether a resident or nonresident of this State and whether or not a citizen of the United States, and of either sex, may solemnize marriages. A copy of the record of any marriage solemnized under the provisions of this section, duly made and kept, and attested or sworn to by the clerk of the town in which the marriage intention was recorded or in which the marriage was solemnized, shall be received in all courts as evidence of the fact of marriage. Notwithstanding Title 17-A, section 4-A, any person who violates this section,

shall be punished by a fine of not more than \$100 for each offense, for the use of the town in which the offense occurred, and the State Registrar of Vital Statistics shall enforce this section as far as it comes within ~~his~~ the state registrar's power and shall notify the district attorney of the county in which the penalty should be enforced of the facts that have come to ~~his~~ the state registrar's knowledge, and, upon receipt of the notice, the district attorney shall prosecute the defaulting person or persons.

**Sec. 5. 22 MRSA §2702, sub-§2**, as amended by PL 1975, c. 443, is further amended to read:

**2. Transmittal of certificates to state registrar.**

Between the 10th and 15th days of each month, the clerk of each municipality in this State shall transmit to the state registrar each original certificate of live birth, death and fetal death, ~~and a certified received by the clerk under this Title during the previous calendar month.~~ Each clerk shall transmit the state copy of each original certificate of marriage issued by the clerk as directed by the State Registrar of Vital Statistics and returned to him the clerk under this Title during the previous calendar month next previous. However, the clerk in any municipality with a population over 25,000 shall transmit this information to the state registrar no later than the 25th day of each month. If a municipal clerk has received no original certificates during ~~said~~ the month for which certificates or records are to be transmitted, ~~he~~ the clerk shall notify the state registrar that ~~he has~~ there are no ~~certificates~~ licenses or records to transmit.

**Sec. 6. 22 MRSA §2802**, as amended by PL 1983, c. 480, Pt. A, sub-pt. 3, §31, is further amended to read:

**§2802. Copy of record of marriages**

Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by ~~him~~ that person in conformity with the forms and instructions prescribed by the State Registrar of Vital Statistics. That person shall return each original certificate or certificates to the clerk who issued the same within 7 working days following the date on which a marriage is solemnized by ~~him~~ that person. If the marriage was solemnized in a town other than the place or places where the parties to the marriage reside, that person shall return a copy of the certificate, or of either certificate if 2 were issued, to the clerk of the town where the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the same was solemnized and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which marriage was solemnized and the date ordained or authorized by a religious faith to perform marriages, the date a notary public's commission expires or the date a lawyer was admitted to the Maine Bar and ~~his~~ the residence of the person who solemnized the marriage. All certificates or copies so returned shall be recorded by the clerk receiving them.

See title page for effective date.

## CHAPTER 226

H.P. 745 - L.D. 1028

### An Act to Facilitate Treatment of Abused and Neglected Children

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

**22 MRSA §4007, sub-§3-A** is enacted to read:

**3-A. Report of licensed mental health professional.**

In any hearing held in connection with a child protection proceeding under this chapter, the written report of a licensed mental health professional who has treated or evaluated the child shall be admitted as evidence, provided that the party seeking admission of the written report has furnished a copy of the report to all parties at least 21 days prior to the hearing. The report shall not be admitted as evidence without the testimony of the mental health professional if a party objects at least 7 days prior to the hearing. This subsection does not apply to the caseworker assigned to the child.

See title page for effective date.

## CHAPTER 227

H.P. 746 - L.D. 1029

### An Act to Transfer the Licensing Function from the Bureau of Mental Health to the Department of Mental Health and Mental Retardation

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

**Sec. 1. 34-B MRSA §1203-A** is enacted to read:

**§1203-A. Licenses**

Licenses to operate, conduct or maintain an agency or facility for the provision of mental health services as defined in section 3601, or for the provision of treatment as defined in chapter 6, subchapter II are governed as follows.

**1. Full license.** Full licenses are governed as follows.

**A. The commissioner shall issue a full license to an applicant agency or facility that has complied with:**

**(1) All applicable laws and rules; and**

**(2) All conditions imposed by the commissioner at the time of issuance of a conditional license, refusal to issue or renew a full license or revocation of a full license.**