

MAINE STATE LEGISLATURE

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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

A. Serious physical injury or impairment;

B. Serious mental injury or impairment, which now or in the future is likely to be evidenced by serious mental, behavioral or personality disorder, including, but not limited to, severe anxiety, depression or withdrawal, untoward aggressive behavior or similar serious dysfunctional behavior; or

Sec. 4. 22 MRSA §3472, sub-§14, as enacted by PL 1981, c. 527, §2, is repealed.

Sec. 5. 22 MRSA §3472, sub-§15 is enacted to read:

15. Sexual abuse or exploitation. "Sexual abuse or exploitation" means contact or interaction of a sexual nature involving an incapacitated or dependent adult without that adult's consent.

Sec. 6. 22 MRSA §3477, sub-§1, as amended by PL 1983, c. 616, §1, is further amended to read:

1. Reasonable cause to suspect. When, while acting in ~~his~~ a professional capacity, an allopathic or osteopathic physician, intern, medical examiner, physician's assistant, dentist, chiropractor, podiatrist, registered or licensed practical nurse, certified nursing assistant, Christian Science practitioner, social worker, psychologist, pharmacist, physical therapist, speech therapist, occupational therapist, mental health professional, law enforcement official, coroner, emergency room personnel, ambulance attendant or emergency medical technician suspects that an adult has been abused, neglected or exploited, and has reasonable cause to suspect that the adult is incapacitated, then the professional shall immediately report or cause a report to be made to the department.

Whenever a person is required to report in ~~his~~ the capacity as a member of the staff of a medical, public or private institution, agency or facility, ~~he~~ the staff person shall immediately notify the person in charge of the institution, agency or facility, or ~~his~~ the designated agent of the person in charge, who shall then cause a report to be made. The staff person shall also make a report directly to the department.

Sec. 7. 22 MRSA §3485, as enacted by PL 1981, c. 527, §2, is amended to read:

§3485. Reporting abuse

Upon finding evidence indicating that a person has abused; or neglected or exploited an incapacitated or dependent adult, resulting in serious harm, or has exploited an incapacitated or dependent adult, the department shall notify the district attorney.

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

Effective June 12, 1989.

CHAPTER 260

S.P. 400 - L.D. 1044

An Act to Amend the Notice Requirement of Car Repair Facilities

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

29 MRSA §2605, last ¶, as enacted by PL 1979, c. 698, §2, is repealed and the following enacted in its place:

"We may also charge for our repair services either by the flat rate or "menu price" method. Ask our service advisor to explain what method will be used in charging you and to show you how much it may cost you."

See title page for effective date.

CHAPTER 261

H.P. 702 - L.D. 963

An Act to Clarify Motor Vehicle Dealership Insurance Coverage Laws

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

Sec. 1. 24-A MRSA §2909 is enacted to read:

§2909. Insurance for dealers and transporters

1. As used in this section, "owner" means the owner of a motor vehicle, the owner's agent, employee or independent contractor.

2. The superintendent shall not approve any policy required pursuant to Title 29, section 832, unless coverage is provided for both the owner and operator of the motor vehicle.

3. The owner's policy must provide primary coverage up to the limits specified in Title 29, section 832. Any other valid and collectible insurance policy available to an operator who is not the owner must provide excess coverage.

Sec. 2. 29 MRSA §832, 2nd ¶, as amended by PL 1973, c. 585, §12, is repealed.

See title page for effective date.

CHAPTER 262

S.P. 310 - L.D. 815

An Act Regarding High-speed Chases

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

29 MRSA §2501-A, sub-§3, as amended by PL 1987, c. 678, §2, is further amended to read:

3. **Eluding an officer; written policies.** Whoever, after being requested or signaled to stop, attempts to elude a law enforcement officer by driving a vehicle at a reckless rate of speed which results in a high-speed chase between the operator's vehicle and any law enforcement vehicle using a blue light and siren is guilty of a Class C crime. If any person suffers any serious bodily injury, as defined in Title 17-A, section 2, subsection 23, as a result of the operator's attempt to elude a law enforcement officer as described in this section, that operator commits a Class B crime.

All state, county and municipal law enforcement agencies shall adopt written policies on the use of high-speed chases.

See title page for effective date.

CHAPTER 263

H.P. 508 - L.D. 688

An Act Concerning Burglary of a Motor Vehicle

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

17-A MRSA §405 is enacted to read:

§405. Burglary of a motor vehicle

1. A person is guilty of burglary of a motor vehicle if the actor enters a motor vehicle, knowing that the actor is not licensed or privileged to do so, with the intent to commit a crime therein.

2. Burglary of a motor vehicle is a Class C crime.

See title page for effective date.

CHAPTER 264

S.P. 231 - L.D. 561

An Act to Provide Complimentary Muzzle-loading Hunting Licenses to Resident Disabled War Veterans

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

12 MRSA §7076, sub-§4, as amended by PL 1983, c. 797, §4, is further amended to read:

4. **Resident disabled war veterans.** A complimentary license to hunt or fish, or a combination hunting and fishing license, and, if requested, a pheasant hunting permit; and a muzzle-loading hunting license under section 7107-A shall be issued to any resident of Maine who:

A. Is a veteran, as defined in Title 37-A, section 28;

B. Has a ~~service-connected~~ service-connected disability evaluated at 70% or more as a result of honorable military service;

C. Has served in a combat zone during either World War I, World War II, the Korean War or the ~~Viet Nam~~ Vietnam War; and

D. Applies for that license to the commissioner.

This application shall be accompanied by a photo copy of the applicant's final DD form 214 or other evidence satisfactory to the commissioner that the applicant meets the requirements of this subsection. Each license issued under this subsection shall remain valid through December 31st of the 2nd complete calendar year following the year of issuance.

See title page for effective date.

CHAPTER 265

S.P. 220 - L.D. 536

An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation

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

Sec. 1. 4 MRSA §807, first ¶, as repealed and replaced by PL 1987, c. 737, Pt. C, §§4 and 106; and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

1. **Prohibition.** No person may practice law or hold that person out to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless that person has been admitted to the bar of this State and has complied with section 806-A, or unless that person has been admitted to try cases in the courts of this State under section 802.

2. **Violation.** Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime.

3. **Application.** This section shall not be construed to apply to: