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

by the filing with this Company of an award as herein provided.

Suit. No suit or action on this policy for the recovery of any claim shall be sustainable in any court of law or equity unless all the requirements of this policy shall have been complied with, and unless commenced within two years next after inception of the loss.

Subrogation. This Company may require from the insured an assignment of all right of recovery against any party for loss to the extent that payment therefor is made by this Company.

Sec. 2. 24-A MRSA §3004-A is enacted to read:

§3004-A. Actual cash value

1. Actual cash value. "Actual cash value", as used in section 3002, means the replacement cost of an insured item of property at the time of loss, less the value of physical depreciation as to the item damaged. "Physical depreciation" means a value as determined according to standard business practices.

Sec. 3. Transition provision. To the extent that coverage in a policy which is issued with an effective time of 12:01 a.m. replaces coverage, pursuant to the Maine Revised Statutes, Title 24-A, section 3002, subsection 1, in other policies terminating at noon standard time on the inception date of the new policy, the new policy shall be appropriately endorsed to reflect that coverage under the new policy shall not become effective until such other coverage has terminated.

See title page for effective date.

CHAPTER 317

H.P. 809 - L.D. 1121

An Act to Allow Municipalities To Be Reimbursed for Costs Incurred in Hazardous Waste Spills

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

Sec. 1. 38 MRSA §1318-A, as enacted by PL 1979, c. 730, §2, is amended to read:

§1318-A. Recovery by the State and municipalities for expenditures for removal of discharges

1. Responsible party. The responsible party or the person causing the discharge is liable for all acts and omissions of its servants and agents which are committed within the course and scope of their employment.

2. State and municipalities to recover for expenditures for removal. Any person who permits, causes or is responsible for a prohibited discharge shall reimburse the State and municipalities for all costs incurred, including personnel costs, in removing the discharge, including costs for ensuring public safety. Funds recovered under this section shall be deposited to the account from which they were expended. Requests for reimbursement, if not paid within 30 days of demand, shall be turned over to the Attorney General or, for municipal cost, to the District Attorney for collection.

In any suit to enforce claims of the State or a municipality under this section, it is not necessary for the State or a municipality to plead or prove negligence in any form or manner on the part of the person causing, permitting or responsible for the discharge. The State or municipality need only plead and prove the fact of the prohibited discharge and that the discharge occurred while the hazardous matter was in the custody or control of the person causing, permitting or responsible for the discharge.

Sec. 2. 38 MRSA §1318-B, sub-§2, as repealed and replaced by PL 1981, c. 184, §2, is amended to read:

2. Preservation of public order. The local public safety agency shall exercise authority for preservation of public order and safety ~~and~~ , shall coordinate the response to the spill and shall be reimbursed under section 1318-A. The Department of Public Safety shall exercise this authority in those areas of the State without a local public safety agency, or in any situation in which a local public safety agency requests assistance from the Department of Public Safety.

See title page for effective date.

CHAPTER 318

S.P. 421 - L.D. 1132

An Act to Amend the Time within which a Juvenile Detention Hearing Must Be Held

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

15 MRSA §3203-A, sub-§2, ¶A, as enacted by PL 1985, c. 439, §9, is amended to read:

A. When a juvenile is arrested, the law enforcement officer or the juvenile caseworker shall notify the legal custodian of the juvenile without unnecessary delay and inform ~~him~~ the legal custodian of the juvenile's whereabouts, the name and telephone number of the juvenile caseworker who has been contacted and, if a juvenile has been placed in a detention facility, that a detention hearing will be held within 48 hours following this placement, ~~except that this paragraph does not require any such hearing to be held on a~~ excluding Saturday, Sunday ~~or~~ and legal ~~holiday~~ holidays.

See title page for effective date.