

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

1989-90 1990-91

DEFENSE AND VETERANS'
SERVICES, DEPARTMENT OF

Personal Services	\$7,141	\$6,204
All Other	22,859	38,796
Capital Expenditures	12,000	5,000

Allocates additional funds received
by the Maine Nuclear Emergency
Planning Fund as gifts or grants.

DEPARTMENT OF DEFENSE AND
VETERANS' SERVICES

TOTAL	\$42,000	\$50,000
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1989.

Effective July 1, 1989.

CHAPTER 365

H.P. 706 - L.D. 967

An Act to Establish State Guidelines for
Child Support Awards

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the United States Family Support Act of 1988 mandates that every state must have child support guidelines and procedures consistent with federal law in place by October 12, 1989; and

Whereas, current Maine law does not include the requisite elements of the federal law concerning child support; and

Whereas, states not in compliance with the federal law by October 12, 1989 are subject to losing indispensable federal funds for supporting children; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 19 MRSA §303-A, as amended by PL 1985, c. 652, §12, is repealed and the following enacted in its place:

§303-A. Guidelines for child support awards

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

A. "Child support table" means a schedule which reflects the percentage of combined gross income which parents living in the same household in Maine ordinarily spend on their children.

B. "Criteria for application of the child support table" means the standards adopted to apply the child support table to the facts of particular proceedings.

C. "Support guidelines" means the child support table and the criteria for application of the table.

2. Child support table established. The Department of Human Services shall adopt rules in accordance with Title 5, chapter 375, establishing a child support table by October 12, 1989.

3. Criteria for application of table. The Supreme Judicial Court shall adopt rules establishing criteria for application of the child support table for use in judicial proceedings to establish child support by October 12, 1989, which rules shall provide that consideration shall be given to the relative periods of time which a child spends with each parent and the relative consequential financial burden this places upon each parent. The Department of Human Services shall adopt rules in accordance with Title 5, chapter 375, establishing criteria for application of the child support table for use in administrative proceedings to establish child support by October 12, 1989. The criteria for application of the child support table must provide that the total child support obligation shall be divided between the parents in proportion to their respective gross incomes.

4. Support guidelines. The support guidelines must be based on the concept that children should receive the same proportion of parental income after separation or divorce of their parents as they would receive if their parents were living in one household. Except in cases of default or when good cause is shown, the support guidelines shall not result in a total support obligation that would reduce a responsible parent's income to below the income level protected by section 502.

5. Presumption. There shall be a rebuttable presumption in any judicial or administrative proceeding in which child support may be established or modified, in which a hearing is held, on or after October 12, 1989, that the amount of the award which would result from the application of the support guidelines is the correct amount of child support to be awarded. A written finding or specific finding on the record that the application of the support guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption in that case if the finding is made under criteria established under this section.

6. Sunset. This section is repealed June 30, 1991.

Sec. 2. Review and report. The Supreme Judicial Court and the Department of Human Services shall meet with representatives of the Family Law Section of the Maine State Bar Association and Pine Tree Legal Assistance, Inc.

to discuss the development of criteria common to the judiciary and the department.

The Supreme Judicial Court and the Department of Human Services shall report their findings and recommendations, including any legislative recommendations, to the Legislature by January 1, 1991.

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

Effective June 19, 1989.

CHAPTER 366

H.P. 765 - L.D. 1069

An Act Relating to Motor Vehicle Insurance Surcharges Due to License Suspension

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

Sec. 1. 24-A MRSA §2303-A is enacted to read:

§2303-A. Surcharge

No insurer may surcharge a motor vehicle insurance policy based on a motor vehicle operator's license suspension when that suspension is pursuant to Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2), except in accordance with this section. If the person had a blood-alcohol level of at least 0.05%, but less than 0.08% by weight, the surcharge shall be limited to 20%. If the person had a blood-alcohol level of at least 0.02% but less than 0.05% by weight, the surcharge shall be limited to 10%. If the policy covers multiple vehicles, the surcharge may only be applied to that portion of the rate attributable to a single vehicle.

Sec. 2. 29 MRSA §2241-G, sub-§2, ¶P is enacted to read:

P. Any suspension under this subsection shall, in any report to an insurance company or any member of the public, be expressly identified as such and distinguished from a suspension under section 1312 or section 2241-J.

See title page for effective date.

CHAPTER 367

H.P. 1186 - L.D. 1653

An Act to Amend the Antitrust Laws to Permit Suits by Indirect Purchasers

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

10 MRSA §1104, sub-§1, as enacted by PL 1987, c. 60, §1, is amended to read:

1. Right of action and damages. Any person, including the State or any political subdivision of the State, injured directly or indirectly in its business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by section 1101, 1102 or 1102-A, may sue for the injury in a civil action. If the court finds for the plaintiff, ~~he~~ the plaintiff shall recover 3 times the amount of the damages sustained and cost of suit, including necessary and reasonable investigative costs, reasonable experts' fees and reasonable ~~attorneys~~ attorney's fees.

See title page for effective date.

CHAPTER 368

S.P. 635 - L.D. 1726

An Act to Amend the Banking Code

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Treasurer of State, Abandoned Property Division, is in the process of completing its audit of banks and other financial institutions; and

Whereas, the banks and other financial institutions are concerned with observing the statutory provisions against disclosure of confidential information to unauthorized persons; and

Whereas, the authority of the Abandoned Property Division for access to confidential records necessary for audit purposes is not totally clear; and

Whereas, it is in the public interest for those audits to be completed as expeditiously as possible; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 9-B MRSA §161, sub-§2, ¶I, as reenacted by PL 1985, c. 819, Pt. A, §14, is amended to read:

I. Any disclosure of records made pursuant to Title 22, section 16; or