

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

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1989

3. Time period; discrimination prohibited. The employer's obligation to reinstate the employee continues until one year, or 2 years if the employer has over 250 employees, after the employee has reached the stage of maximum medical improvement in the judgement of the commission. An employer who reinstates an employee under this section may not subsequently discriminate against that employee in any employment decision, including decisions related to tenure, promotion, transfer or reemployment following a layoff, because of the employee's assertion of a claim or right under this Act. Nothing in this subsection may be construed to limit any protection offered to an employee by section 111.

See title page for effective date.

CHAPTER 389

S.P. 274 - L.D. 720

An Act to Clarify the Immunity Provisions for Nonprofit Corporations

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

14 MRSA §158-A, sub-§1, ¶A, as enacted by PL 1987, c. 646, §2, is amended to read:

A. "Charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State:

(1) That is exempt from federal income taxation under the United States Internal Revenue Code, Section 501(a), because it is described in Section 501(c)(3), (4), (6) as it pertains to chambers of commerce only, (10), (13) or (14)(A), including all subsequent amendments to those paragraphs. An organization is included in this subparagraph if it would be exempt from taxation under Section 501(c)(3) but for its engaging in attempting to influence legislation to the extent that it is disqualified from tax exemption under Section 501(c)(3); or

(2) That is:

(a) Organized under the Maine Nonprofit Corporation Act for any of the purposes listed in Title 13-B, section 201, subsection 1, paragraph A;

(b) Organized under the provisions set forth in Title 13-B, section 201, subsection 2, paragraph A; or

(c) Organized under the provisions of Title 13-B, section 201, subsection 3, paragraph D or E; or

(d) Organized in Maine as a non-profit corporation before January 1, 1978, for any of the purposes listed in Title 13-B, section 201, subsection 1, paragraph A, and to which the Maine Nonprofit Corporation Act applies.

This subparagraph applies to all subsequent amendments to the statutes covered by divisions (a), (b) and (c) and (d).

See title page for effective date.

CHAPTER 390

S.P. 267 - L.D. 695

An Act Regarding the Exclusion of Family Members under a Motor Vehicle Liability Insurance Policy

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

Sec. 1. 24-A MRSA §2902-A, sub-§3 is enacted to read:

3. Disclosure of exclusion provision. Every insurance policy providing motor vehicle liability insurance shall clearly state on the face of the policy whether the policy excludes coverage for liability for injuries sustained by the insured's family members. The requirements of this subsection may be satisfied by language on the cover sheet of the policy or which is securely affixed to the front of the policy in a manner not to obscure other policy provisions. The bureau shall, by rule, specify the specific clear and concise language to be required to satisfy this requirement.

Sec. 2. Effective date. This Act shall take effect January 1, 1990.

Effective January 1, 1990.

CHAPTER 391

H.P. 434 - L.D. 599

An Act Regulating the Sale of Grave Markers by Funeral Establishments

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

32 MRSA §1406 is enacted to read:

§1406. Grave markers

Any funeral establishment or person licensed under this chapter, when selling a grave marker to a consumer before the completion of the funeral of the person whose grave is to be marked, shall adhere to the sale requirements

for funeral goods and services set forth in the Federal Trade Commission's Funeral Industry Practices Rule, 16 Code of Federal Regulations, Part 453. Violation of this section is an unfair trade practice in violation of Title 5, section 207.

See title page for effective date.

CHAPTER 392

H.P. 167 - L.D. 232

An Act to Grant the Power of Equitable Jurisdiction to the Maine District Court

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

Sec. 1. 4 MRSA §152, sub-§5, as amended by PL 1985, c. 293, §§1 and 2, is further amended to read:

5. **Other actions.** Original jurisdiction, concurrent with that of the Superior Court, of the following types of actions, and in these actions the District Court may grant equitable relief:

A. Actions for divorce, annulment of marriage or judicial separation and of proceedings under Title 19;

B. Actions to quiet title to real estate under Title 14, sections 6651 to 6658;

C. Actions to quiet title to real estate under Title 36, section 946;

D. Actions for breach of implied warranty and covenant of habitability under Title 14, section 6021;

E. Actions to foreclose mortgages under Title 14, chapter 713, subchapter VI;

F. Actions for restitution under Title 5, section 213; and

G. Actions for illegal evictions under Title 14, section 6014-;

H. Actions for the foreclosure of mortgages of real and personal property and for redemption of estates mortgaged;

I. Actions to compel the specific performance of written contracts and to cancel and compel the discharge of written contracts, whether under seal or otherwise, when full performance or payment has been made to the contracting party;

J. Actions for relief in cases of fraud, duress, unjust enrichment, trust, accident or mistake;

K. Actions concerning nuisance and waste;

L. Actions concerning partnership, and between partners or part owners of vessels and of other real and personal property to adjust all matters of the partnership and between the part owners, compel contribution, make final decrees and enforce their decrees by proper process in cases where all interested persons within the jurisdiction of the court are made parties;

M. Actions to hear and determine property matters between spouses as provided in Title 19, section 166, and to make all necessary orders and decrees relating to these matters, to issue all necessary process to enforce the orders and decrees and to cause all the orders and decrees to be enforced;

N. Civil actions for redelivery of goods or chattels taken or detained from the owner and secreted or withheld so that the goods or chattels cannot be replevied, and in civil actions by creditors to reach and apply in payment of a debt any property, right, title or interest, legal or equitable, of a debtor or debtors, which cannot be attached on writ or taken on execution in a civil action, and any property or interest conveyed in fraud of creditors;

O. Actions in which the pleading demands a judgment:

(1) To exclude a person from a vested or contingent interest in or lien upon specific property within the State;

(2) That a vested or contingent interest in or lien upon specific property within the State be enforced; or

(3) Otherwise affecting title to any real property;

P. Actions to compel the compliance with court orders including the right to appoint persons to sign instruments as provided for in the Maine Rules of Civil Procedure; and

Q. Actions in which the equitable relief is sought through an equitable defense, a counterclaim, a cross-claim or other responsive pleading or reply permitted by the Maine Rules of Civil Procedure.

Nothing in this subsection may be construed to affect the right of any party to remove an action to the Superior Court in accordance with the Maine Rules of Civil Procedure.

Sec. 2. 4 MRSA §152, last ¶, as repealed and replaced by PL 1983, c. 796, §1, is amended to read:

The District Court shall also possess, concurrent with the Superior Court, original jurisdiction to receive pleas of guilty in criminal cases in which the maximum term of imprisonment to which the defendant may be sentenced upon conviction of that crime is one year or more in which the defendant has in writing waived his the defendant's right