

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

return an attested copy of the order of the court, and upon return of the prisoner shall note ~~such~~ that return on ~~such~~ the copy. This paragraph as it relates to the responsibility for transportation shall be applicable to the transportation of prisoners transferred from the county jail to the State Prison under Title 15, section 453, and to transfers from the county jail to any other county jail or to a state correctional facility under Title 34 30-A, section 4046 1656.

Sec. 5. 30-A MRSA §421, sub-§11, 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 C, §88, 10, is repealed.

Sec. 6. 30-A MRSA §1504, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §88, 10; and c. 146, is further amended to read:

§1504. Sheriff to return list of prisoners at each criminal session of court

Every ~~jailer~~ sheriff shall return a list of prisoners in custody to the Superior Court for a county on the first business day of every month, and afterwards a list of all committed during the session, certifying the cause for which and the person by whom committed, and shall have the calendar of prisoners in court for its inspection. The ~~jailer~~ sheriff shall also provide lists of prisoners in custody to the Superior Court or to a District Court upon receipt of a request for an additional or updated list. The sheriff shall also provide for the transportation of prisoners to and from the District Court or Superior Court and ensure the safe custody of prisoners while they may be present during any court proceeding as directed by the court. If the jailer fails to do so, the court may impose a reasonable fine.

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

Effective March 23, 1990.

CHAPTER 723

H.P. 1347 - L.D. 1864

An Act Allowing Day Care Centers to Use Cloth Diapers

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

22 MRSA §8302, sub-§3 is enacted to read:

3. Approval of laundering services. The rules must allow the use of cloth diapers in a day care facility if the facility employs a diaper laundering service. The rules must require that the diaper laundering service be

endorsed by a national accrediting organization and must specify the type of diaper covers that must be used.

See title page for effective date.

CHAPTER 724

H.P. 1669 - L.D. 2310

An Act to Amend the Maine Liability Risk Retention Act

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

Sec. 1. 24-A MRSA §6097, as enacted by PL 1987, c. 481, §3, is amended to read:

§6097. Purchasing groups; exemption from certain laws relating to the group purchase of insurance

Any purchasing group meeting the criteria established under the provisions of the federal Liability Risk Retention Amendments of 1986 is exempt from any law of this State relating to the creation of groups for the purchase of insurance, prohibition of group purchasing or any law that discriminates against a purchasing group or its members. In addition, an insurer is exempt from any law of this State which prohibits providing, or offering to provide, to a purchasing group or its members advantages based on their loss and expense experience not afforded to other persons with respect to rates, policy forms, coverages or other matters. A purchasing group and any insurer that provides coverage to a purchasing group with Maine members is subject to all other applicable laws of this State including, but not limited to, chapters 25, 27 and 39.

Sec. 2. 24-A MRSA §6099, sub-§1, as enacted by PL 1987, c. 481, §3, is amended to read:

1. Purchase from risk retention group; insurer; licensed agent or broker. A purchasing group may purchase insurance from a risk retention group that is chartered in a state or, in the case of product liability or completed operations liability coverage, that qualifies under section 6093, ~~section subsection~~ 13, paragraph C, subparagraph (2); from an insurer admitted in this State ~~in which the purchasing group is located;~~ or from a licensed agent or broker acting pursuant to the surplus lines laws and regulations of ~~that state~~ this State.

See title page for effective date.

CHAPTER 725

H.P. 1360 - L.D. 1877

An Act to Amend the Maine Human Rights Act to Prohibit Educational Discrimination on the Basis of National Origin

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

Sec. 1. 5 MRSA §4601, as amended by PL 1987, c. 478, §3, is further amended to read:

§4601. Right to freedom from discrimination in education

The opportunity for an individual at an educational institution to participate in all educational, counseling, vocational guidance programs and all apprenticeship and on-the-job training programs without discrimination because of sex ~~or~~, a physical or mental handicap, or national origin, is recognized and declared to be a civil right.

Sec. 2. 5 MRSA §4602, sub-§3 is enacted to read:

3. Unlawful educational discrimination on the basis of national origin. It is unlawful educational discrimination in violation of this Act, on the basis of national origin, to:

A. Exclude a person from participation in, deny a person the benefits of, or subject a person to, discrimination in any academic, extracurricular, research, occupational training or other program or activity;

B. Deny admission to the institution or program or to fail to provide equal access to and information about an institution or program through recruitment; or

C. Deny financial assistance availability and opportunity.

See title page for effective date.

CHAPTER 726

H.P. 1626 - L.D. 2248

An Act to Discourage Public Competition with Private Enterprise

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

Sec. 1. 30-A MRSA §3501, sub-§1, 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:

1. District. "District" or "transit district" includes:

A. A district created by vote of a single municipality;

B. A district created by vote of a group of municipalities;

C. A municipality voting to provide mass transportation service without the creation of a district; and

D. A regional transportation corporation, except that sections 3510, 3512 and 3517 do not apply to a regional transportation corporation.

Sec. 2. 30-A MRSA §3502, 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:

§3502. Formation; powers

1. Formation. By vote of its legislative body, any municipality may by itself, or in cooperation with one or more other municipalities, form a transit district for the purposes provided in this chapter.

A. Municipalities not in the same geographic public transportation region must gain approval from the Department of Transportation before forming a transit district under this section.

B. With the consent of the Department of Transportation and of the municipal officers of any municipality not included in a transit district, a transit district may provide transportation services within that municipality.

2. General powers; area of service. The district formed under subsection 1 is a body politic and corporate, and may sue, be sued, plead and be impleaded, adopt a name, adopt and alter a common seal and do all things necessary to furnish motor vehicle mass transportation within that district, including charter service, for public purposes in the interest of the health, safety, comfort and convenience of the inhabitants of the municipality or municipalities comprising the district.

3. Incidental rights. All incidental powers, rights and privileges necessary to accomplish the main objective set forth in this chapter are granted to a district created. Such a district is subject to the jurisdiction of the Public Utilities Commission only to the extent provided in this chapter.

4. Prohibition. Except for the following items, a transit district may not sell, rent or lease goods or services to any entity other than the State, a municipality, quasi-municipal corporation or transit district, unless those goods or services are essential to the purchaser and are not available from another source:

A. Advertising space on vehicles owned by the transit district;

B. Existing vacant office or storage space owned by the transit district; and

C. Used equipment not originally purchased for resale.