

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

Erratum:

**PL1989, ch. 738 is printed twice
in this volume, beginning on p. 1794
and again beginning on p. 1795. The text
of both printings is identical.**

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. PL 1989, c. 501, Pt. S, sub-§6 is amended to read:

6. The commission shall submit a report, together with any necessary implementing legislation, to the Second Regular Session of the 114th Legislature by ~~February~~ March 15, 1990.

Sec. 2. Retroactivity. This Act applies retroactively to February 15, 1990.

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

Effective March 23, 1990.

CHAPTER 737

S.P. 843 - L.D. 2162

An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Certain Public Employees

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

Sec. 1. 24-A MRSA §2174-A, sub-§2, ¶B, as enacted by PL 1989, c. 362, is amended to read:

B. There is a policy of insurance other than the personal insurance policy providing motor vehicle liability or collision coverage to ~~the public works employee in the course and scope of employment~~ for the accident or accidents.

Sec. 2. 24-A MRSA §2174-B is enacted to read:

§2174-B. Law enforcement officers' insurance rates

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

A. "Law enforcement officer" means any person employed by a governmental entity who by virtue of that employment is vested by law with a duty to investigate and prosecute violators of the laws of this State and to arrest the offenders of the laws.

2. Law enforcement officers. No insurer may increase the premium for a personal insurance policy providing motor vehicle liability or collision insurance to

a law enforcement officer on the basis of one or more accidents involving a motor vehicle operated by the officer if:

A. The accident occurred while the officer was operating a motor vehicle in the course and scope of employment; and

B. There is a policy of insurance other than the personal policy providing motor vehicle liability or collision coverage for the accident or accidents.

3. Governmental entity. This section in no way restricts the premium an insurer may charge a governmental entity for an insurance policy providing motor vehicle liability or collision insurance covering law enforcement officers.

See title page for effective date.

CHAPTER 738

H.P. 1377 - L.D. 1908

An Act to Amend the Law Governing Family Medical Leave

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

Whereas, the law permitting employees to take family medical leave from employment will be repealed on July 1, 1990, unless it is amended before that date to remove the sunset clause; and

Whereas, the family medical leave law has proven its value to the State's employers and employees and should be retained; 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. 26 MRSA §701, as repealed and replaced by PL 1975, c. 701, §11, is amended to read:

§701. Posting of notice of hours of labor

Every employer shall post and keep posted in a place accessible for ~~his~~ the employer's employees, a printed notice stating the labor laws regulating the employment of minors, time of payment of wages, safety and health of employees, family medical leave and such other laws as may be applicable. The Bureau of Labor Standards shall furnish the printed form of this notice ~~shall be furnished by the Bureau of Labor.~~

Sec. 2. 26 MRSA §849, as enacted by PL 1987, c. 661, is repealed.

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

Effective March 23, 1990.

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

Effective March 23, 1990.

CHAPTER 739

S.P. 902 - L.D. 2296

An Act Addressing Consecutive Terms of Imprisonment Involving Probation

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

Sec. 1. 17-A MRSA §1202, sub-§4 is enacted to read:

4. Any justice, in order to comply with section 1256, subsection 8, may terminate a period of probation that would delay commencement of a consecutive unsuspended term of imprisonment. Any judge may also do so if that judge has jurisdiction over each of the sentences involved.

Sec. 2. 17-A MRSA §1256, sub-§§8 and 9 are enacted to read:

8. No court may impose a sentence of imprisonment, not wholly suspended, to be served consecutively to any split sentence previously imposed or imposed on the same date, if the net result, even with the options made available by subsections 5 and 9 of this section and section 1202, subsection 4, would be to have the person released from physical confinement to be on probation for the first sentence and thereafter be required to serve an unsuspended term of imprisonment on the 2nd sentence.

9. Any justice imposing a sentence of imprisonment to be served consecutively to any other previously imposed sentence that the person has not yet commenced, in order to comply with subsection 8, may rearrange the order in which the sentences are to be served. Any judge may also do so if that judge has jurisdiction over each of the sentences involved.

See title page for effective date.

CHAPTER 740

H.P. 1535 - L.D. 2120

An Act to Amend the Operating-under-the-influence Laws

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

29 MRSA §1312, sub-§11, 1D, as enacted by PL 1987, c. 791, §17, is amended to read:

D. Notwithstanding any other provision of this section, each operator of a motor vehicle involved in a motor vehicle accident ~~which results in the death of any person~~ shall submit to and complete a test to determine that person's blood-alcohol level by analysis of ~~such~~ the person's blood or breath, if