

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
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J.S. McCarthy Company
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assuming insurer are subject to examination as determined by the superintendent. The trust must remain in effect for as long as the assuming insurer has outstanding obligations due under the reinsurance agreements subject to the trust.

(5) (6) The trustees of the trust shall report to the superintendent in writing by February 28th of each year, setting forth the balance of the trust and listing the trust's investments at the end of the preceding year and certifying the date of termination of the trust, if so planned, or certifying that the trust does not expire before December 31st of the current year.

(6) (7) The corpus of the trust is to be valued as any other admitted asset or assets; or

See title page for effective date.

CHAPTER 39

H.P. 264 - L.D. 384

An Act to Amend the Juvenile Code Regarding Detention in Homicide Cases

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

15 MRSA §3203-A, sub-§1, ¶C, as enacted by PL 1985, c. 439, §9, is amended to read:

C. In cases under Title 5, section 200-A, the law enforcement officer shall immediately notify the juvenile caseworker and the Department of the Attorney General. The Attorney General or any of his deputies or assistants shall act as and shall possess all the powers and responsibilities of a If the juvenile caseworker specified in this section determines not to order the detention or continued detention of the juvenile in a case under Title 5, section 200-A, the caseworker shall inform the law enforcement officer and the attorney for the State prior to the juvenile's release. The Attorney General or deputy or assistant attorney general, with or without a request from a law enforcement officer, shall consider the facts of the case and consult with the juvenile caseworker who made the initial determination and may order detention or continued detention of the juvenile under the same or any authorized conditions pending the juvenile's initial appearance before the court.

See title page for effective date.

CHAPTER 40

H.P. 322 - L.D. 452

An Act to Amend the Law Regarding the Display of Legislative Plates

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

Whereas, currently, it is unclear whether state officials may combine regular registration plates and special registration plates on the same vehicle; and

Whereas, unless this ambiguity is clarified, certain state officials may be perceived to be in contravention of the law; 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:

29 MRSA §193, first ¶, as amended by PL 1977, c. 78, §166, is further amended to read:

The Secretary of State shall, upon payment of the fees required in sections 109 and 242, subsection 1, paragraph A and application therefor, by Maine Members of the United States Senate, Maine Members of the United States House of Representatives, Members of the Legislature, Representatives of the Indian Tribes at the Legislature, President of the Senate, Speaker of the House, Secretary of the Senate and Clerk of the House, issue one pair of specially designed number plates for one designated motor vehicle owned or controlled by each of the officials named. Upon request by a Maine Member of the United States Senate or by a Maine Member of the United States House of Representatives, the Secretary of State shall issue an additional pair of specially designed number plates for a 2nd designated motor vehicle owned or controlled by that member. ~~Such~~ The Secretary of State shall issue these specially designed plates and their accompanying registration certificate shall be issued to, and used by, the named officials in lieu of the regular plates and registration provided for in section 110 at the option of the named officials. If any of the named officials ~~shall choose~~ chooses to apply for a motor vehicle registration and plates as prescribed in section 110, and also ~~request~~ requests, in addition to the regular registration and plates, ~~that he or she be issued~~ an additional set of specially designed plates together with their accompanying certificates of registration, the Secretary of State shall upon receipt of application and the payment of a fee of \$2 issue ~~such~~ the special plates and registration certificate for ~~such~~

the motor vehicle that is currently registered and assigned regular registration plates. The named official may attach to any such motor vehicle one of the current registration plates issued under section 110 and one of the current special registration plates issued under this section. Any specially designed number plates issued to any of the named officials shall be is valid only during the term of office for which the registrant is elected. In case the office is for any cause vacated during said that term, such the special number plates and registration certificate shall must be immediately surrendered to the Secretary of State.

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

Effective April 23, 1991.

CHAPTER 41

H.P. 399 - L.D. 573

An Act to Expand the Availability of Automatic Liens to Certain Businesses

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

Sec. 1. 10 MRSA §3951, as amended by PL 1987, c. 63, §1, is repealed and the following enacted in its place:

§3951. Automatic lien

1. Lien established. A person, partnership or corporation engaged in one or more of the following activities has a lien on the item that the activity involves for a reasonable compensation for any labor or materials expended on that item:

A. Making, altering, repairing or cleaning any watch, clock, jewelry, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio, electronic equipment, musical instrument, furniture, photograph, artwork, sports equipment and photography equipment; and

B. Cleaning, repairing or pressing clothes.

2. Lien priority. A lien under this section takes precedence over all other claims and incumbrances.

3. Exemption from attachment. The item that is subject to a lien under this section is exempt from attachment or execution until the lien and the cost of enforcing it are satisfied.

Sec. 2. 10 MRSA §3952, as amended by PL 1987, c. 63, §2, is further amended to read:

§3952. Sale after 6 months

The ~~lien holder~~ lienholder shall retain such watch, clock, jewelry, clothes, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio and other electronic equipment and musical instrument any item subject to a lien under section 3951 for a period of 6 months, at the expiration of which time, if such the lien is not satisfied, he the lienholder may sell such watch, clock, jewelry, clothes, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio and other electronic equipment and musical instrument the item at public or private sale, after giving 30 days' notice in writing to the owner, specifying the amount due, describing the property item to be sold and informing him the owner that the payment of such the amount within 30 days shall entitle him entitles the owner to redeem such property the item. Such The notice may be given by mailing the same mail addressed to the owner's place of residence if known, or if the owner's place of residence is unknown, a copy of such the notice may be posted by the holder of such the lien in 2 public places in the town, village or city where the property item is held.

See title page for effective date.

CHAPTER 42

H.P. 1106 - L.D. 1614

An Act to Implement the Initial Recommendations of the Task Force to Evaluate and Revise the Maine Health Program

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

Whereas, the Task Force to Evaluate and Revise the Maine Health Program was charged with reporting to the Joint Standing Committee on Appropriations and Financial Affairs a finding as to whether there are currently sufficient controls, restrictions and requirements to ensure that the Maine Health Program will not expend state funds in excess of its \$6,550,000 supplemental appropriation for the remainder of fiscal year 1990-91; and

Whereas, the task force finds that this legislation is needed immediately to satisfy that charge; 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. 22 MRSA §3189, sub-§2, ¶G is enacted to read: