

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

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J.S. McCarthy Company
Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 124

H.P. 182 - L.D. 267

**An Act to Prescribe the Duties and Liabilities
of Roller-skating Rink Operators and Persons
Who Use Roller-skating Rinks**

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

8 MRSA c. 23, sub-c. I is enacted to read:

**SUBCHAPTER I
ROLLER-SKATING SAFETY****§603. Short title**

This subchapter is known and may be cited as the "Roller-skating Safety Act."

§604. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Operator. "Operator" means a person or entity who owns or controls, or who has operational responsibility for, a roller-skating rink. An operator may include the State or a political subdivision of the State.

2. Roller-skating rink. "Roller-skating rink" means a building, facility or premises that provides an area used for roller skating.

3. Skater. "Skater" means a person in a roller-skating rink for the purpose of skating.

§605. Duties of operators

An operator shall:

1. Post duties. Post in conspicuous places of the roller-skating rink the duties of skaters and inherent dangers of skating as provided in sections 606 and 607;

2. Compliance with standards. Comply with the safety standards specified in the roller-skating rink safety standards adopted by a national roller-skating rink operators association;

3. Maintain equipment. Maintain roller-skating equipment and roller-skating surfaces according to the safety standards in subsection 2; and

4. Stability and legibility of notices. Maintain the stability and legibility of all required signs, symbols and posted notices.

§606. Duties and conduct of skaters

1. Ability. Each skater shall know the range of that skater's ability to travel while on roller skates and shall skate within the limits of that ability.

2. Control. Each skater shall maintain control of the skater's speed and course at all times when skating and be alert and observant as to avoid other skaters, spectators and objects. A skater attempting to overtake other skaters shall do so in a manner that avoids collision with objects and other skaters in that skater's field of vision.

§607. Inherent dangers

Insofar as the dangers inherent in roller skating are obvious, by participating in roller skating a person accepts those dangers. Those dangers include, but are not limited to, injuries that result from collisions with other skaters or spectators, injuries that result from falls and injuries that involve objects or artificial structures properly within the intended travel of the skater that are not otherwise attributable to a breach of the operator's common law duties.

§608. Violation; liability

A skater or operator who violates this subchapter is liable to an injured person in a civil action for damages resulting from the violation.

See title page for effective date.

CHAPTER 125

H.P. 355 - L.D. 485

**An Act Concerning Destruction of Certain Court
Records in Real Estate Matters**

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

14 MRSA c. 405 is enacted to read:

**CHAPTER 405
RECORDS****§2401. Recording requirements for proceedings involving
real estate**

1. Destruction prohibited. Court records affecting title to or rights in land may not be destroyed. Court records governed by this section include the docket; pleadings; correspondence; motions; rulings; transcripts, if any; and orders relating to any of these records. This subsection is repealed January 1, 1996.

2. Identification on docket. On and after January 1, 1992, judicial proceedings in any Maine court, including appeals from judicial proceedings, that affect title to real estate must be identified on the docket. Judicial proceedings

subject to this section include but are not limited to, proceedings involving:

- A. Partition actions;
- B. Boundary and access disputes;
- C. Insolvency;
- D. Mortgage foreclosure;
- E. Declaratory judgment actions;
- F. Attachment and mechanic liens;
- G. Dissolution; and
- H. Actions to quiet title.

3. Abstract required. Upon the expiration of the applicable appeal period or the entry of a final order on appeal, an abstract of any judgment or final order of judicial proceedings subject to this section must be prepared. The court shall name the party or parties responsible for preparing and recording the abstract and for paying the recording fees. The abstract must be signed by the judge and contain the provisions of the final order.

4. Abstract; recording and contents. The abstract must be recorded in the registry of deeds in the county or counties in which the subject property is located and must include the following:

- A. The names and addresses of all parties to the action, including the counsel of record;
- B. The docket number;
- C. A certification that all parties have received notice of the proceedings, that the notice has been given in accordance with the applicable provisions of the Maine Rules of Civil Procedure and, if the notice has been served or given pursuant to an order of a court, including service by publication, that the notice has been served or given pursuant to the order;
- D. An adequate description of real estate involved;
- E. A copy of any order, including the final order, that affects the property, with the applicable dates of that order; and
- F. A certification that any applicable appeal period has expired without action or, if appealed by any party, a certification of the appeal.

5. Original abstract filing. Upon recording, the original of the court abstract must be forwarded to the clerk of courts for filing with the original court records.

See title page for effective date.

CHAPTER 126

H.P. 465 - L.D. 659

An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies

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

Sec. 1. 24-A MRSA §2902-A, sub-§1, ¶¶B to E are enacted to read:

B. "Economic damages" means medical expenses, wage loss and the expense of substitute services.

C. "Medical expenses" means expenses incurred for necessary medical goods and services, including funeral expenses, resulting from bodily injury.

D. "Substitute services" means expenses incurred for necessary services such as homemaker or household services normally performed by the injured person but that must be purchased from a substitute when the injured person can not perform them as a result of bodily injury.

E. "Wage loss" means 75% of any actual and demonstrably predictable and verifiable cessation of present or future income or reduction of earned income resulting from bodily injury.

Sec. 2. 24-A MRSA §2902-A, sub-§2, as enacted by PL 1985, c. 136, is amended to read:

2. Exclusion. No insurer may sell or renew an insurance policy providing motor vehicle liability insurance on or after January 1, 1986, that excludes coverage for injuries sustained by the insured's family members unless the insurer notifies the bureau in writing of its utilization of the exclusion, the insurer notifies each of its licensed agents within the State of its utilization of the exclusion and the exclusion is provided by a separate endorsement to the insured's policy. An exclusion that ~~does not meet the requirements of~~ violates this section ~~shall be~~ is invalid and of no effect.

Sec. 3. 24-A MRSA §2902-A, sub-§4 is enacted to read:

4. Coverage for family members must be offered. An insurer may not sell or renew a motor vehicle liability insurance policy on or after January 1, 1992 with a provision that excludes coverage for injury to the insured or any family member unless the insurer offers the opportunity to remove that exclusion by buying coverage in the nonliability section of the policy for economic damages for injury to the insured or any family member. This optional coverage must be available in monetary increments limited to no more than the liability limits of the policy for liability to other persons.

See title page for effective date.