

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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stitution 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. 37-B MRSA §601**, as amended by PL 1989, c. 502, Pt. A, §141, is further amended to read:

**§601. Home established; purpose**

There ~~shall~~ must be public homes for veterans in Maine known as "Maine Veterans' Homes." In addition to the presently existing home located in Augusta, a 120-bed home located in southern Maine ~~and~~, a home, not to exceed 60 beds, located in Aroostook County, a home located in eastern Maine not to exceed 120 beds and a home located in western Maine not to exceed 120 beds may be constructed if federal Veterans' Administration funds are available to meet part of the costs of each facility for construction or operation. The board of trustees shall plan and develop these additional homes and may use any funds available for those purposes, except for the Augusta facility's funded depreciation account. The primary purpose of the homes ~~shall be~~ is to provide support and care for honorably discharged veterans who served in the United States Armed Forces during wartime, including the Korean Conflict and the Vietnam War.

**Sec. 2. 37-B MRSA §602, sub-§6**, as amended by PL 1985, c. 773, §2, is further amended to read:

**6. Borrow funds.** Borrow funds, not in excess of ~~\$5,000,000~~ \$15,000,000 in the aggregate, make and issue bonds and negotiate notes and other evidences of indebtedness or obligations of the veterans' home for prudent and reasonable capital, operational and maintenance purposes. The home may secure payments of all or part of the obligations by pledge of part of the revenues or assets of the home ~~which~~ that are available for pledge and ~~which~~ that may be lawfully pledged or by mortgage of part, or all, of any property owned by the home. The home may do all lawful things necessary and incidental to those powers. The home may borrow money from the Federal Government and its agencies, from state agencies and from any other source. The home may borrow money from the State subject to approval by the Treasurer of State and the Governor. Bonds, notes and other evidences of indebtedness issued under this subsection shall not be deemed to constitute debts of the State, nor a pledge of the credit of the State, but shall be payable solely from the funds of the home; and

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

Effective March 21, 1992.

## CHAPTER 703

H.P. 1233 - L.D. 1797

### An Act to Establish a Voluntary Trauma-reporting System

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

**Sec. 1. 22 MRSA c. 256** is enacted to read:

#### CHAPTER 256

#### TRAUMA REPORTING

##### §1421. Definitions

For the purposes of this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Board.** "Board" means the Emergency Medical Services' Board described in Title 32, section 88.

##### §1422. Duty of physicians and hospitals

A hospital may report to the board information regarding persons diagnosed as suffering from trauma. Trauma reports should be made no later than 30 days from the date of diagnosis or the date of discharge from the hospital, whichever is later. Trauma is defined by rules adopted by the board.

A physician, upon request of the board, may report to the board any further information requested by the board concerning any person now or formerly under that physician's care who was diagnosed as having suffered from trauma.

A physician or hospital that reports in good faith in accordance with this chapter is not liable for any civil damages for making the report.

##### §1423. Trauma-incidence registry

The board shall maintain a statewide trauma-incidence registry that meets the requirements of the federal Trauma Care Systems Planning and Development Act of 1990, Public Law 101-590, Section 1, 104 Stat. 2915.

##### §1424. Confidentiality

Any information provided to the board under this chapter is confidential if the information identifies or permits the identification of a trauma patient or a member of that patient's family. A person that releases information that is confidential under this section commits a

civil violation for which a forfeiture not to exceed \$1,000 per violation may be adjudged.

See title page for effective date.

## CHAPTER 704

H.P. 1412 - L.D. 2024

### An Act to Clarify the Law Governing Contracts of Adhesion

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

**14 MRSA §6030**, as enacted by PL 1991, c. 361, §3 and affected by §3, is amended to read:

#### §6030. Unfair rental contracts

**1. Illegal waiver of rights.** It is an unfair and deceptive trade practice in violation of Title 5, section 207 for a landlord to require a tenant to enter into a rental agreement for a dwelling unit, as defined in section 6021, in which the tenant agrees to a lease or rule provision that has the effect of waiving a tenant right established in chapter 709, this chapter and chapter 710-A. This subsection does not apply when the law specifically allows the tenant to waive a statutory right during negotiations with the landlord.

**2. Unenforceable provisions.** The following rental agreement or rule provisions for a dwelling unit, as defined in section 6021, are specifically declared to be unenforceable and in violation of Title 5, section 207:

- A. Any provision that absolves the landlord from liability for the negligence of the landlord or the landlord's agent;
- B. Any provision that requires the tenant to pay the landlord's legal fees in enforcing the rental agreement;
- C. Any provision that requires the tenant to give a lien upon the tenant's property for the amount of any rent or other sums due the landlord; and
- D. Any provision that requires the tenant to acknowledge that the provisions of the rental agreement, including tenant rules, are fair and reasonable.

**3. Exception.** Notwithstanding subsection 2, paragraph B, a rental agreement or rule provision that provides for the award of attorney's fees to the prevailing party after a contested hearing to enforce the rental agree-

ment in cases of wanton disregard of the terms of the rental agreement is not in violation of Title 5, section 207 and is enforceable.

See title page for effective date.

## CHAPTER 705

H.P. 1433 - L.D. 2045

### An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement

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

**Sec. 1. 30 MRSA §6211, sub-§2**, as enacted by PL 1979, c. 732, §§1 and 31, is amended to read:

**2. Limitation on eligibility.** In computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation is entitled to receive state funds under subsection 1, other than funds in support of education, any moneys money received by the respective tribe or nation from the United States within substantially the same period for which state funds are provided, for a program or purpose substantially similar to that funded by the State, and in excess of any local share ordinarily required by state law as a condition of state funding, ~~shall~~ must be deducted in computing any payment to be made to the respective tribe or nation by the State. Unless otherwise provided by federal law, in computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation is entitled to receive state funds for education under subsection 1, the state payment must be reduced by 15% of the amount of federal funds for school operations received by the respective tribe or nation within substantially the same period for which state funds are provided, and in excess of any local share ordinarily required by state law as a condition of state funding. A reduction in state funding for secondary education may not be made under this section except as a result of federal funds received within substantially the same period and allocated or allocable to secondary education. This subsection is repealed June 30, 1998.

**Sec. 2. 30 MRSA §6211, sub-§2-A** is enacted to read:

**2-A. Limitation on eligibility.** In computing the extent to which either the Passamaquoddy Tribe or the Penobscot Nation is entitled to receive state funds under subsection 1, any money received by the respective tribe or nation from the United States within substantially the same period for which state funds are provided, for a program or purpose substantially similar to that funded by the State, and in excess of any local share ordinarily