

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

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J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

nually by vote of the municipal officers. ~~No disbursements other than wages and benefits may be made until a majority of the municipal officers have signed the disbursement warrant;~~

(2) The municipal officers may adopt a written policy to permit the disbursement of payments for municipal education costs when a disbursement warrant has been signed by the school superintendent and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers;

See title page for effective date.

CHAPTER 97

H.P. 205 - L.D. 267

An Act Concerning Court Approval of Minor Settlements

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

Sec. 1. 14 MRSA §1605, as enacted by PL 1979, c. 540, §17-A, is amended to read:

§1605. Settlements to be approved by court

No settlement of any action brought in behalf of an infant by next friend or defended on ~~his~~ the infant's behalf by guardian or guardian ad litem ~~shall be~~ is valid unless approved by the court in which the action is pending, or affirmed by an entry of judgment. If no action has been commenced, an infant by next friend may apply to any court in which an action based on the claim of the infant could have been commenced for an order approving the settlement of any such claim. An order approving such a settlement ~~shall have~~ has the effect of a judgment. The court may make all necessary orders for protecting the interests of the infant, including requiring that funds be disbursed through establishment of a trust, and may require the guardian ad litem or next friend to give bond to truly account for all money received in behalf of the infant.

See title page for effective date.

CHAPTER 98

H.P. 273 - L.D. 351

An Act Related to Common Nuisances

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

Sec. 1. 17 MRSA §2741, as amended by PL 1981, c. 279, §9, is further amended to read:

§2741. Common nuisances; jurisdiction to abate

All places used as houses of ill fame; or for the illegal sale or keeping of intoxicating liquors or ~~narcotic~~ scheduled drugs, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tipping purposes; and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law are common nuisances. The Superior Court ~~shall have~~ has jurisdiction, upon information filed by the ~~county~~ Attorney General or the district attorney or upon complaint filed by not less than 7 legal voters of ~~his~~ that county setting forth any of the facts contained ~~herein~~ in this section, to restrain, enjoin or abate the same, and an injunction for such purpose may be issued by ~~said~~ the court. Such an injunction ~~shall~~ forever run ~~runs~~ against the building or other place or structure while titled in the name of the same owner under which the nuisance is committed was initially enjoined. The injunction ceases to run against the building or other place or structure upon transfer of ownership to a bona fide purchaser. Following the issuance of such an injunction, if the Attorney General or district attorney has reasonable grounds to question whether a transfer of ownership is to a bona fide purchaser, the Attorney General or district attorney, within one year from the date of transfer of ownership, shall move the court to reinstate the injunction against the title of the new owner. No dismissal of such information or complaint shall may prevent action upon any information or complaint subsequently filed covering the same subject matter.

For purposes of this subchapter, proof by a preponderance of evidence that an owner or occupant of a building or other place or structure, or any part thereof, has trafficked or furnished at the building, place or structure, or any part thereof, any scheduled drug as defined by Title 17-A, chapter 45 on 2 or more occasions within a 3-year period is sufficient to prove that the building, place or structure is a common nuisance.

See title page for effective date.

CHAPTER 99

H.P. 301 - L.D. 389

An Act to Amend the Laws Relating to Financial Institution Service Corporations

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

Whereas, this legislation allows credit unions to invest in service corporations; and

Whereas, under federal law credit unions are already authorized to invest in service corporations; and

Whereas, plans to invest in a service corporation are already underway; 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. 9-B MRSA §131, sub-§37, as amended by PL 1981, c. 646, §1, is further amended to read:

37. Service corporation. "Service Corporation corporation" means a corporation substantially all the activities of which consist of originating, purchasing, selling and servicing loans and participation interests therein; or clerical, bookkeeping, accounting and statistical or similar functions related to a financial institution or real estate activities; or management, personnel, marketing or investment counseling related to a financial institution or real estate activities; or establishing or operating one or more satellite facilities; or any activity authorized by the superintendent by regulation ~~which activity that~~ has been authorized under federal law for service corporations owned or controlled by ~~federally chartered~~ federally chartered savings and loan associations or federally chartered, federally chartered savings banks or federally chartered credit unions. The purpose of authorizing any such activity is to maintain competitive equality between ~~federally chartered~~ federally chartered and state-chartered institutions.

Sec. 2. 9-B MRSA §864, sub-§§1 and 2, as enacted by PL 1975, c. 500, §1, are repealed and the following enacted in their place:

1. Authorization. A credit union may invest, individually or with other credit unions or other entities, in service corporations as defined in section 131.

2. Limitations. A credit union may invest 10% of its share capital and surplus in any service corporation only if:

A. The service corporation is structured as either a corporation or limited partnership, in order to limit the credit union's exposure to loss; and

B. The service corporation primarily serves credit unions and the membership of affiliated credit unions.

The superintendent may approve an amount less than or in excess of 10%, subject to such terms and conditions as the superintendent determines necessary.

Sec. 3. 9-B MRSA §864, sub-§3, as enacted by PL 1975, c. 500, §1, is amended to read:

3. Applicability of section 445. A credit union or credit unions seeking to organize as or invest in a service corporation shall do so in accordance with the provisions of section 445 only if the controlling interest in the service corporation is owned by credit unions authorized to do business in this State.

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

Effective May 12, 1993.

CHAPTER 100

H.P. 304 - L.D. 392

An Act to Allow Rebate Coupons in Agency Liquor Stores

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

Sec. 1. 28-A MRSA §708, sub-§3, as repealed and replaced by PL 1987, c. 342, §44, is amended to read:

3. Retail licensees. ~~No~~ A retail licensee may not offer any free merchandise, rebate or gift contingent on the purchase of ~~spirits, malt liquor or wine.~~ A retail licensee may not offer any free merchandise, rebate or gift contingent on the purchase of spirits, except for mail-in rebate coupons redeemed by the manufacturer.

See title page for effective date.

CHAPTER 101

H.P. 367 - L.D. 470

An Act to Allow Service of Protective Orders on Sunday

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

Whereas, citizens seeking protection from abuse or harassment are not protected until the protection or-