

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

section 1482 at the option of the appropriate municipality;

Sec. 2. 36 MRSA §1483, sub-§14, as enacted by PL 1977, c. 678, §51, is amended to read:

14. Antique and experimental aircraft. Antique and experimental aircraft as defined in Title 6, section 3, ~~subsection~~ subsections 10-A and ~~subsection~~ 18-E and registered according to the provisions of Title 6; and

Sec. 3. 36 MRSA §1483, sub-§15 is enacted to read:

15. Adaptive equipment. Adaptive equipment installed on a motor vehicle owned by a disabled person or the family of a disabled person to make that vehicle operable or accessible by a disabled person.

Sec. 4. Effective date. This Act takes effect October 1, 1995.

Effective October 1, 1995.

CHAPTER 13

H.P. 247 - L.D. 349

An Act Concerning Tie Votes among Candidates in Municipal Secret Ballot Elections

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

Sec. 1. 30-A MRSA §2528, sub-§10, as amended by PL 1991, c. 323, is further amended to read:

10. Election by plurality vote; tie vote. Election must be by plurality vote. In the case of a tie vote, the meeting must be adjourned to a day certain, when ballots are again cast for the candidates tied for the office in question, unless ~~the municipality's legislative body has provided by ordinance that any all~~ but one tied candidate ~~may~~ withdraw from a subsequent election by delivering written notice of withdrawal signed by the candidate and notarized to the municipal offices within the 5-day period following the election. After the 5-day period has expired, the municipal officers shall call a run-off election between the remaining candidates by posting a warrant in the manner required for calling a town meeting. If only one candidate remains, that candidate is declared the winner and sworn into office.

See title page for effective date.

CHAPTER 14

S.P. 19 - L.D. 50

An Act to Repeal the Sunset on the Grandparents Visitation Act

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

Sec. 1. 19 MRSA §1003, sub-§1, ¶¶B and C, as enacted by PL 1993, c. 479, §1, are amended to read:

B. There is a sufficient existing relationship between the grandparent and the child. ~~This paragraph is repealed October 1, 1995;~~ or

C. If a sufficient existing relationship between the grandparent and the child does not exist, a sufficient effort to establish one has been made. ~~This paragraph is repealed October 1, 1995.~~

Sec. 2. 19 MRSA §1003, sub-§1-A, as enacted by PL 1993, c. 479, §2, is amended to read:

1-A. Procedure. The following procedures apply to petitions for rights of visitation or access under subsection 1, paragraph B or C.

A. The grandparent must file with the petition for rights of visitation or access an affidavit alleging a sufficient existing relationship with the child, or that sufficient efforts have been made to establish a relationship with the child. When the petition and accompanying affidavit are filed with the court, the grandparent shall serve a copy of both on at least one of the parents or legal guardians of the child.

B. The parent or legal guardian of the child may file an affidavit in response to the grandparent's petition and accompanying affidavit. When the affidavit in response is filed with the court, the parent or legal guardian shall deliver a copy to the grandparent.

C. The court shall determine on the basis of the petition and the affidavit whether it is more likely than not that there is a sufficient existing relationship or, if a sufficient relationship does not exist, that a sufficient effort to establish one has been made.

D. If the court's determination under paragraph C is in the affirmative, the court shall hold a hearing on the grandparent's petition for reasonable rights of visitation or access and shall consider any objections the parents or legal guardians may have concerning the award of rights of visitation or access to the grandparent.

The standard for the award of reasonable rights of visitation or access is provided in subsection 2.

This subsection is repealed October 1, 1995.

See title page for effective date.

CHAPTER 15

S.P. 28 - L.D. 58

An Act to Require State or Independent Fair Hearing Examiners in the Grievance Process of the Department of Mental Health and Mental Retardation

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

Sec. 1. 34-B MRSA §1203, sub-§4, as enacted by PL 1983, c. 459, §7, is amended to read:

4. Grievance procedures. The commissioner shall establish procedures for hearing grievances of clients. The procedures must include the opportunity for a timely hearing before a state hearing examiner or an independent fair hearing examiner. The commissioner may contract for the services of the hearing examiner or examiners, who shall conduct all adjudicatory proceedings pursuant to the Maine Administrative Procedure Act and who may not be employees of the Department of Mental Health and Mental Retardation.

See title page for effective date.

CHAPTER 16

H.P. 69 - L.D. 105

An Act to Allow Off-duty Police Officers to Work in Retail Stores That Are Licensed to Sell Alcoholic Beverages

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

Sec. 1. 28-A MRSA §704-A, as enacted by PL 1993, c. 730, §28, is repealed.

See title page for effective date.

CHAPTER 17

H.P. 104 - L.D. 139

An Act to Allow the Maine Human Rights Commission to Request the Cooperation of the Bureau of Consumer Credit Protection in Enforcing the Fair Credit Extension Laws

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

Sec. 1. 5 MRSA §4598, as amended by PL 1979, c. 541, Pt. A, §39, is further amended to read:

§4598. Enforcement

The Superintendent of ~~the Bureau of Banking and the Superintendent of Consumer Credit Protection~~ shall cooperate with the Maine Human Rights Commission in ~~their~~ its enforcement of this subchapter.

See title page for effective date.

CHAPTER 18

H.P. 138 - L.D. 186

An Act to Permit Full-time Deputies To Hold Local Public Office

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

Sec. 1. 30-A MRSA §355, sub-§2, as amended by PL 1989, c. 104, Pt. A, §9 and Pt. C, §§8 and 10, is further amended to read:

2. Full-time deputies. ~~No~~ A full-time deputy may not hold ~~the municipal office of selectman, city councillor or budget committee member or any other elective or appointive county office or a state office.~~

See title page for effective date.

CHAPTER 19

H.P. 150 - L.D. 198

An Act to Amend the Law Regarding Mandatory Insurance Coverage for Mental Illness

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