

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

E. Taste testing ~~shall be~~ is limited to a designated area. In a fine wine store, the taste testing must be conducted in an area that is separate from the retail sales floor and not readily accessible to the general public;

Sec. 6. 28-A MRSA §1205, as enacted by PL 1989, c. 488, is amended by adding at the end a new paragraph to read:

For the purposes of this section, "fine wine store" means a store that sells wine from at least 50% of the world's wine regions and carries at least 500 different wine labels.

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

Effective April 18, 1995.

CHAPTER 31

H.P. 133 - L.D. 181

An Act to Allow Municipalities to Dispose of Abandoned Bicycles

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

Sec. 1. 33 MRSA §1871, sub-§3 is enacted to read:

3. Disposal of bicycles; exempt. For the purposes of this subchapter, a local legislative body in a municipality may dispose of bicycles determined to be abandoned, as defined in section 1803, in a manner decided by that body and is exempt from all other provisions of this subchapter.

See title page for effective date.

CHAPTER 32

H.P. 160 - L.D. 208

An Act to Simplify the Procedure for Making Anatomical Gifts under the Motor Vehicle Laws

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

Sec. 1. 22 MRSA §2906, sub-§2, as amended by PL 1991, c. 823, §1 and affected by §7, is further amended to read:

2. Revocation. ~~Except as provided in subsection 4, any~~ Any document of gift that has not been delivered to the donee may be revoked by the donor in the manner set out in subsection 1 or by destruction, cancellation or mutilation of the document and all executed copies of the document.

Sec. 2. 22 MRSA §2906, sub-§4, as enacted by PL 1991, c. 823, §2 and affected by §7, is repealed.

Sec. 3. 29-A MRSA §1402, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 4. 29-A MRSA §1402-A is enacted to read:

§1402-A. Anatomical gifts

1. Statement on anatomical gifts. A licensee may make a statement expressing the licensee's willingness to make an anatomical gift under Title 22, chapter 710 by affixing an organ donor decal provided by the Secretary of State to the back of the license.

2. Organ donor decal. The Secretary of State shall make available without additional fee an organ donor decal to a licensed driver 16 years of age or older. The statement on the organ donor decal must read: "The decal affixed hereto indicates the licensee is willing to make an anatomical gift upon death and has discussed this willingness with next of kin."

Sec. 5. Transition provision. Notwithstanding the Maine Revised Statutes, Title 29-A, section 1402-A, the Secretary of State may continue to provide organ donor decals printed prior to the effective date of this Act that read as follows: "The decal affixed hereto indicates a willingness on the part of the licensee to make an anatomical gift upon his/her death."

See title page for effective date.

CHAPTER 33

S.P. 114 - L.D. 289

An Act to Clarify the Status of Certain Gifts to Legislators under the Governmental Ethics Laws

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

Sec. 1. 1 MRSA §1012, sub-§4, ¶¶B and C, as enacted by PL 1989, c. 561, §4, are amended to read:

B. A bequest or other form of inheritance; ~~and~~

C. A gift received from a relative; and

Sec. 2. 1 MRSA §1012, sub-§4, ¶D is enacted to read:

D. A subscription to a newspaper, news magazine or other news publication.

Sec. 3. 17-A MRSA §602, sub-§2, ¶C, as amended by PL 1993, c. 396, §1, is further amended to read:

C. "Pecuniary benefit" means any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally. "Pecuniary benefit" does not include meals a meal if the meals are meal is provided by industry or special interest organizations as part of an informational program presented to a group of public servants or a subscription to a newspaper, news magazine or other news publication.

See title page for effective date.

CHAPTER 34

H.P. 232 - L.D. 312

An Act to Clarify the Law Relating to the Licensing of Accounting Firms

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

Sec. 1. 32 MRSA §12201, sub-§5, as enacted by PL 1987, c. 489, §2, is amended to read:

5. Firm. "Firm" means a sole proprietorship, a corporation or a partnership or any other form of organization.

See title page for effective date.

CHAPTER 35

H.P. 304 - L.D. 408

An Act to Exempt Individual Retirement Accounts from Attachment

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

Sec. 1. 14 MRSA §4422, sub-§13, ¶E, as enacted by PL 1981, c. 431, §2, is amended to read:

E. A payment or account under a stock bonus, pension, profitsharing, annuity, individual retirement account or similar plan or contract on account of illness, disability, death, age or length of service, to the extent reasonably necessary for the support of the debtor and any dependent of the debtor, unless:

- (1) The plan or contract was established by or under the auspices of an insider that employed the debtor at the time the debtor's rights under the plan or contract arose;
(2) The payment is on account of age or length of service; and
(3) The plan or contract does not qualify under the United States Internal Revenue Code of 1954, Sections Section 401(a), 403(a), 403(b), 408 or 409.

See title page for effective date.

CHAPTER 36

H.P. 375 - L.D. 510

An Act to Extend the Duration of Workers' Compensation Health Benefit Pilot Projects

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

Sec. 1. 39-A MRSA §403, sub-§2, ¶D, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

D. Unless continued or modified by law, this subsection is repealed on October 31, 1996 January 1, 2001.

See title page for effective date.

CHAPTER 37

H.P. 378 - L.D. 513

An Act to Require That the Dollar Value of the Employee Benefit Package Be Included in All Official Statements Concerning State and Legislative Salaries

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