

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Librarian if the publication is also published in print or in an electronic format and is provided to the State Librarian in compliance with subsection 4 or the publication is:

A. Designed to provide the public with current information and is subject to frequent additions and deletions, such as current lists of certified professionals, daily updates of weather conditions or fire hazards; or

B. Designed to promote the agency's services or assist citizens in use of the agency's services, such as job advertisements, application forms, advertising brochures, letters and memos.

6. Forwarding of requisitions. The State Purchasing Agent, Central Printing and all other printing operations within State Government shall forward to the State Librarian upon receipt one copy of all requisitions for publications to be printed.

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

Effective May 28, 1997.

CHAPTER 300

H.P. 1082 - L.D. 1519

An Act to Prevent Unnecessary Search and Rescue Operations on Marine Waters

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

Sec. 1. 12 MRSA §6958 is enacted to read:

§6958. False search and rescue information

A person who intentionally provides the department or causes to be given to the department false or misleading information that results in an unnecessary search and rescue effort or prolongs an ongoing search and rescue effort is subject to a civil penalty of up to the cost of providing the search and rescue service, payable to the State. This penalty is recoverable in a civil action. The State may also recover the cost of bringing the action, including a reasonable attorney's fee.

See title page for effective date.

CHAPTER 301

H.P. 918 - L.D. 1261

An Act Concerning Public Notice of Lottery Odds

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

Sec. 1. 8 MRSA §374, sub-§1, ¶¶K and L, as enacted by PL 1987, c. 505, §2, are amended to read:

K. The manner and amount of compensation to be paid licensed sales agents necessary to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the general public; ~~and~~

L. The apportionment of the total annual revenue accruing from the sale of lottery tickets or shares and from all other sources for the payment of prizes to the holders of winning tickets or shares; for the payment of costs incurred in the operation and administration of the lotteries, including the expenses of the commission and the costs resulting from any contract or contracts entered into for promotional, advertising, consulting or operational services or for the purchase or lease of lottery equipment and materials; for the repayment of the money appropriated to the State Lottery Fund; and for transfer to the General Fund for distribution pursuant to section 387; ~~and~~

Sec. 2. 8 MRSA §374, sub-§1, ¶M is enacted to read:

M. The imprinting on all lottery tickets sold in the State of the overall odds of winning a prize for each game.

See title page for effective date.

CHAPTER 302

S.P. 446 - L.D. 1420

An Act to Amend the Uniform Management of Institutional Funds Act

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

Sec. 1. 13 MRSA §4106, first ¶, as enacted by PL 1993, c. 371, §2, is amended to read:

In the administration of the powers to appropriate appreciation, to make and retain investments and to delegate investment management of institutional funds, members of a governing board shall exercise ordinary business care and prudence under the facts and circumstances prevailing at the time of the action or decision. ~~In so doing~~ When exercising ordinary business care and prudence, they shall consider long-term and short-term needs of the institution in carrying out its educational, religious, philanthropic or other charitable purposes; its present and anticipated financial requirements; expected total return on its investments; price-level trends; and general economic conditions. Unless explicitly stated otherwise by the donor, appreciation on investments of endowment funds, until appropriated pursuant to proper governing board action, must be considered a donor restricted asset.

See title page for effective date.

CHAPTER 303

H.P. 713 - L.D. 977

An Act to Establish the Rider Safety Act

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

Sec. 1. 8 MRSA c. 29 is enacted to read:

CHAPTER 29

RIDER SAFETY

§801. Short title

This chapter may be known and cited as the "Rider Safety Act."

§802. Definitions

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

1. Amusement owner. "Amusement owner" means a person, the State or a political subdivision of the State that owns an amusement ride or, if the amusement ride is leased, the lessee.

2. Amusement ride. "Amusement ride" means:

A. A device that is intended to give amusement, excitement, pleasure or thrills to passengers whom the device carries along or around a fixed or restricted course or within a defined area; or

B. A structure that gives amusement, excitement, pleasure or thrills to people who move around, over or through the structure without the aid of a moving device integral to the structure.

"Amusement ride" does not include a device or structure that is devoted principally to exhibitions related to agriculture, the arts, education, industry, religion or science.

3. Parent or guardian. "Parent or guardian" means each parent, custodian or guardian responsible for the control, safety, training or education of a minor rider.

4. Rider. "Rider" means any person who is:

A. Waiting in the immediate vicinity to get on an amusement ride;

B. Getting on an amusement ride;

C. Using an amusement ride;

D. Getting off an amusement ride; or

E. Leaving an amusement ride and still in its immediate vicinity.

"Rider" does not include employees, agents or servants of the amusement owner while engaged in the duties of their employment.

5. Sign. "Sign" means any symbol or language reasonably calculated to communicate information to riders or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, video, verbal information and visual signals.

§803. Rider conduct

1. Reports. A rider or the rider's parent or guardian shall report in writing to the amusement owner or the amusement owner's designee any injury sustained on an amusement ride before leaving the amusement owner's premises, including:

A. The name, address and phone number of the injured person;

B. A brief description of the incident, the injury claimed and the location, date and time of the injury;

C. The cause of the injury, if known; and

D. The names, addresses and phone numbers of any witnesses to the incident.

If the rider or the rider's parent or guardian is unable to file a report because of the severity of the rider's injuries, the rider or the rider's parent or guardian shall