

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**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**  
**1997**

**Sec. 1. 14 MRSA §158-B** is enacted to read:

**§158-B. Limited liability of charitable organizations**

**1. Liability limited.** A charitable organization is not liable for a claim arising from death or injury to a person or damage to property caused by a juvenile participating in a supervised work or service program, performing community service or providing restitution under Title 15, section 3301 or 3314, including a claim arising from death or injury to the juvenile or damage to the juvenile's property.

**2. No effect on other liability or immunity.** Nothing in this section creates liability for any claim or waives any immunity otherwise available.

**3. Charitable organization defined.** For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code, Section 501(a) because the nonprofit organization is described in the United States Internal Revenue Code, Section 501(c)(3).

**Sec. 2. 15 MRSA §3314, sub-§1, ¶B,** as amended by PL 1991, c. 885, Pt. E, §17 and affected by §47, is further amended to read:

B. The court may require a juvenile to participate in a supervised work or service program. Such a program may provide restitution to the victim by requiring the juvenile to work or provide a service for the victim, or to make monetary restitution to the victim from money earned from such a program. Such a supervised work or service program may be required as a condition of probation if:

- (1) The juvenile is not deprived of the schooling that is appropriate to his the juvenile's age, needs and specific rehabilitative goals;
- (2) The supervised work program is of a constructive nature designed to promote rehabilitation and is appropriate to the age level and physical ability of the juvenile; and
- (3) The supervised work program assignment is made for a period of time not exceeding 180 days.

A juvenile ~~referred to~~ participating in a supervised work or service program, performing community service or providing restitution under this paragraph section or section 3301, subsec-

~~tion 5, paragraphs A and B,~~ may not be subject to Title 39-A, Part 1, the Maine Workers' Compensation Act of 1992.

See title page for effective date.

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**CHAPTER 620**

**H.P. 1430 - L.D. 1994**

**An Act to Establish a Migrant and Immigrant Worker Assistance Office in Central Maine**

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

**Sec. 1. 26 MRSA §1404** is enacted to read:

**§1404. Migrant and immigrant worker assistance outreach project**

The department, to the extent possible within available resources, shall establish a migrant and immigrant worker assistance outreach project to assist migrant and immigrant workers in the State. The project shall coordinate with employers, employees, labor unions, nonprofit agencies and government agencies that serve migrant and immigrant workers to promote efforts that:

**1. Educate.** Educate employers and migrant and immigrant workers about state and federal laws that establish workers' employment-related rights and responsibilities;

**2. Facilitate.** Facilitate access for non-English-speaking workers to necessary translation services and programs that teach English as a 2nd language;

**3. Assist.** Assist migrant and immigrant workers in obtaining services necessary to improve their health and safety and broaden their employment opportunities; and

**4. Advocate.** Advocate for migrant and immigrant workers who seek redress of their grievances or who seek to make claims through government agencies and facilitate workers' access to legal services.

**Sec. 2. Report.** The Department of Labor shall report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 2, 1999 regarding the activities it has undertaken pursuant to the Maine Revised Statutes, Title 26, section 1404. The report must include a list of written materials produced and distributed to migrant and immigrant workers, available labor market information about migrant and immigrant

workers in the State, a description of the outreach activities to those workers that take place in the State by nonprofit and government agencies, an assessment of the number of migrant and immigrant workers reached as a result of this outreach and the effectiveness of the outreach, an assessment of the barriers that migrant and immigrant workers face in obtaining basic information about employment-related rights and responsibilities and safety net services and an assessment of the resources needed to assist in removing those barriers. The department shall seek input and comment from all interested parties in developing and reviewing its report.

See title page for effective date.

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**CHAPTER 621**

**S.P. 281 - L.D. 889**

**An Act to Ensure Fair Claims Settlement Practices**

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

**Sec. 1. 24-A MRSA §2436-A**, as enacted by PL 1987, c. 291, §2, is repealed and the following enacted in its place:

**§2436-A. Unfair claims settlement practices**

**1. Civil actions.** A person injured by any of the following actions taken by that person's own insurer may bring a civil action and recover damages, together with costs and disbursements, reasonable attorney's fees and interest on damages at the rate of 1 1/2% per month:

A. Knowingly misrepresenting to an insured pertinent facts or policy provisions relating to coverage at issue;

B. Failing to acknowledge and review claims, which may include payment or denial of a claim, within a reasonable time following receipt of written notice by the insurer of a claim by an insured arising under a policy;

C. Threatening to appeal from an arbitration award in favor of an insured for the sole purpose of compelling the insured to accept a settlement less than the arbitration award;

D. Failing to affirm or deny coverage, reserving any appropriate defenses, within a reasonable time after having completed its investigation related to a claim; or

E. Without just cause, failing to effectuate prompt, fair and equitable settlement of claims submitted in which liability has become reasonably clear.

**2. Without just cause.** For the purposes of this section, an insurer acts without just cause if it refuses to settle claims without a reasonable basis to contest liability, the amount of any damages or the extent of any injuries claimed.

**3. No limitation on other cause of action.** Nothing in this section prohibits any other claim or cause of action a person has against an insurer.

**4. Application.** This section does not apply to workers' compensation claims.

See title page for effective date.

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**CHAPTER 622**

**S.P. 701 - L.D. 1946**

**An Act to Simplify the Process of Transferring Ownership of a Business Licensed by the Board of Barbering and Cosmetology in Cases of Death or Divorce**

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

**Whereas**, changes to the law regarding the relicensure of barber and cosmetology shops is immediately needed to ensure the prompt and financially equitable change of ownership of such shops in the event of death or divorce of one of the owners; 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. 32 MRSA §14224, sub-§2**, as enacted by PL 1991, c. 397, §6, is repealed and the following enacted in its place:

**2. Operation of shop; license required.** A person, firm or corporation may not provide services in, operate or cause to be operated a shop where cosmetology, barbering, manicuring or aesthetics is practiced unless that shop has been duly licensed by the board. A license issued pursuant to this subsection