

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE
SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

Sec. 18. 5 MRSA §4595, as repealed and replaced by PL 1975, c. 770, §40, is amended to read:

§4595. Right to freedom from discrimination solely on the basis of age, race, color, sex, sexual orientation, marital status, ancestry, religion or national origin in any credit transaction

The opportunity for every individual to be extended credit without discrimination solely because of any one or more of the following factors: ~~Age~~ age; race; color; sex; sexual orientation; marital status; ancestry; religion or national origin is recognized as and declared to be a civil right.

Sec. 19. 5 MRSA §4596, as repealed and replaced by PL 1975, c. 770, §41, is amended to read:

§4596. Unlawful credit extension discrimination

It shall be unlawful credit discrimination for any creditor to refuse the extension of credit to any person solely on the basis of any one or more of the following factors: ~~Age~~ age; race; color; sex; sexual orientation; marital status; ancestry; religion or national origin in any credit transaction. It ~~shall~~ is not be unlawful credit discrimination to comply with the terms and conditions of any bona fide group credit life, accident and health insurance plan, for a financial institution extending credit to a married person to require both the husband and the wife to sign a note and a mortgage and to deny credit to persons under the age of 18 or to consider a person's age in determining the terms upon which credit will be extended.

Sec. 20. 5 MRSA §4612, sub-§4, ¶A, as amended by PL 1993, c. 303, §2, is further amended to read:

A. If the commission finds reasonable grounds to believe that unlawful discrimination has occurred, and further believes that irreparable injury or great inconvenience will be caused the victim of such discrimination or to members of a racial, color, sex, sexual orientation, physical or mental disability, religious, nationality group or age group if relief is not immediately granted, or if conciliation efforts under subsection 3 have not succeeded, the commission may file in the Superior Court a civil action seeking such relief as is appropriate, including temporary restraining orders.

Sec. 21. Statutory referendum procedure; submission at general election; form of question; effective date. This Act must be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their

respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Do you favor ratifying the action of the 119th Legislature whereby it passed an act extending to all citizens regardless of their sexual orientation the same basic rights to protection against discrimination now guaranteed to citizens on the basis of race, color, religion, sex or national origin in the areas of employment, housing, public accommodation and credit and where the act expressly states that nothing in the act confers legislative approval of, or special rights to, any person or group of persons?"

The legal voters of each city, town and plantation shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the Act, the Governor shall proclaim that fact without delay, and the Act takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 630

S.P. 215 - L.D. 637

An Act to Amend the Law Enforcement Officer Certification Standards

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

Sec. 1. 25 MRSA §2803-A, sub-§1, as amended by PL 1997, c. 395, Pt. O, §2, is further amended to read:

1. Training and certification of all law enforcement officers in State. In accordance with this chapter, to establish training and certification standards for all law enforcement officers, set requirements for board-approved courses, prescribe curriculum and certify both graduates of board-approved courses and persons for whom the board has

waived the training requirements of this chapter. Certification must be based on the officer's demonstration of having acquired specific knowledge and skills directly related to job performance.

No later than March 1, 1995, the board shall design joint training and certification standards combining into a single basic training course the present State Police course and the basic municipal and county course. The joint training course must equal or exceed any curriculum training requirements of the State Police effective on December 31, 1994. The board shall report its recommendations and the necessary implementing legislation for a basic training course to the Legislature by April 1, 1995. The Legislature must approve the associated costs of the joint training course before it may be implemented.

Until joint training and certification standards are implemented pursuant to this subsection, the Chief of the State Police shall approve the basic training requirements for enlisted personnel of the State Police for graduation from the academy. The board shall certify State Police enlisted personnel who meet the approved basic training requirements.

~~No later than July 1, 1998, the board shall adopt rules identifying the permissible duties of part-time law enforcement officers who have completed the training courses described in section 2804-B. The rules adopted are major substantive rules for the purposes of Title 5, chapter 375, subchapter II-A and must be implemented no later than December 31, 2001.~~

See title page for effective date.

CHAPTER 631

S.P. 588 - L.D. 1668

An Act Regarding Promoting Access to Transportation

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

Sec. 1. 29-A MRSA §951, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Exemptions. Financial institutions, as defined in Title 9-B, section 131, subsections 17 and 17-A, are exempt from the requirements of this section when selling vehicles repossessed and sold by full-time employees of the institution. Financial institutions that do not use full-time employees to repossess and sell vehicles must use dealers licensed pursuant to this chapter.

Any public or nonprofit organization that, for the purpose of making vehicles available to low-income persons, accepts donated vehicles and provides them to low-income persons at a cost that is no more than the cost of ensuring that the vehicle is in good operating condition is exempt from the requirements of this section. A public or nonprofit organization that transfers a vehicle under this subsection is subject to the provisions of Title 10, chapter 217 and shall register with the Secretary of State and maintain a certificate of training as required by the Secretary of State.

See title page for effective date.

CHAPTER 632

H.P. 523 - L.D. 730

An Act to Allow Certain Disabled Persons to Fly-fish With Any Type of Rod and Reel

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

Sec. 1. 12 MRSA §7076, sub-§15 is enacted to read:

15. Fly-fishing by person who has suffered the loss of arm. A person who possesses a valid fishing license and has suffered the loss of an arm may use any type of rod and reel to fish with a fly on waters open to fly-fishing. For the purposes of this subsection, "loss of an arm" means the physical loss of the arm at the wrist or above.

See title page for effective date.

CHAPTER 633

S.P. 630 - L.D. 1795

An Act to Validate Pierringer Releases in Multiparty Lawsuits

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

Sec. 1. 14 MRSA §156, as amended by PL 1971, c. 8, is further amended to read:

§156. Comparative negligence

~~Where~~ When any person suffers death or damage as a result partly of ~~his~~ that person's own fault and partly of the fault of any other person or persons, a claim in respect of that death or damage ~~shall may~~ not be defeated by reason of the fault of the person