

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

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

suffering the damage, but the damages recoverable in respect thereof ~~shall~~ must be reduced to such extent as the jury thinks just and equitable having regard to the claimant's share in the responsibility for the damage.

~~Where~~ When damages are recoverable by any person by virtue of this section, subject to such reduction as is mentioned, the court shall instruct the jury to find and record the total damages ~~which that~~ which that would have been recoverable if the claimant had not been at fault, and further instruct the jury to reduce the total damages by dollars and cents, and not by percentage, to the extent ~~deemed~~ considered just and equitable, having regard to the claimant's share in the responsibility for the damages, and instruct the jury to return both amounts with the knowledge that the lesser figure is the final verdict in the case.

Fault means negligence, breach of statutory duty or other act or omission ~~which that~~ which that gives rise to a liability in tort or would, apart from this section, give rise to the defense of contributory negligence.

If such claimant is found by the jury to be equally at fault, the claimant ~~shall~~ may not recover.

In a case involving ~~multi-party~~ multiparty defendants, each defendant ~~shall be~~ is jointly and severally liable to the plaintiff for the full amount of the plaintiff's damages. However, any defendant ~~shall have~~ has the right through the use of special interrogatories to request of the jury the percentage of fault contributed by each defendant. If a defendant is released by the plaintiff under an agreement that precludes the plaintiff from collecting against remaining parties that portion of any damages attributable to the released defendant's share of responsibility, then the following rules apply.

1. General rule. The released defendant is entitled to be dismissed with prejudice from the case. The dismissal bars all related claims for contribution assertable by remaining parties against the released defendant.

2. Post-dismissal procedures. The trial court must preserve for the remaining parties a fair opportunity to adjudicate the liability of the released and dismissed defendant. Remaining parties may conduct discovery against a released and dismissed defendant and invoke evidentiary rules at trial as if the released and dismissed defendant were still a party.

3. Binding effect. To apportion responsibility in the pending action for claims that were included in the settlement and presented at trial, a finding on the issue of the released and dismissed defendant's liability binds all parties to the suit, but such a finding has no binding effect in other actions relating to other damage claims.

Sec. 2. 14 MRSA §163, as enacted by PL 1969, c. 19, is amended to read:

§163. Release of joint tortfeasors

Whenever a person seeks recovery for a personal injury or property damage caused by 2 or more persons, the settlement with or release of one or more of the persons causing the injury ~~shall is not be~~ a bar to a subsequent action against the other person or persons also causing the injury.

Evidence of settlement with a release of one or more persons causing the injury ~~shall is not be~~ admissible at a subsequent trial against the other person or persons also causing the injury. After the jury has returned its verdict, the trial judge shall inquire of the attorneys for the parties whether such a settlement or release has occurred. If such settlement or release has occurred, the trial judge shall reduce the verdict by an amount equal to the settlement with or the consideration for the release of the other persons. With regard to a settlement in which the plaintiff has entered into an agreement that precludes the plaintiff from collecting against remaining parties that portion of any damages attributable to the settling defendant's share of responsibility, the judge shall reduce the plaintiff's judgment by either the amount determined at trial to be attributable to the settling defendant's share of responsibility, if any was found, or, if no such finding is made, by the value of the consideration given to the plaintiff for the settlement.

Sec. 3. Application. This Act applies to all settlements entered into after the effective date of this Act.

See title page for effective date.

CHAPTER 634

H.P. 1629 - L.D. 2276

An Act to Revise the Spousal Support Statute

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

Sec. 1. 19-A MRSA §851, sub-§9, ¶¶A and F, as enacted by PL 1997, c. 224, §4 and affected by §5, are amended to read:

A. Order spousal support, which must be determined in accordance with the factors set forth in section ~~954~~ 951-A;

F. At any time, alter or amend an order for spousal support or a specific sum when it appears that justice requires it, except that a court may