

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

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

Effective May 3, 1995.

CHAPTER 60

H.P. 256 - L.D. 358

An Act to Require the Use of the Process of Forcible Entry and Detainer in Eviction of Mobile Home Owners and Tenants

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

Sec. 1. 10 MRSA §9097-B is enacted to read:

§9097-B. Entry and detainer

Process of forcible entry and detainer pursuant to Title 14, chapter 709 must be used in mobile home evictions.

Sec. 2. 14 MRSA §6001, sub-§1, as enacted by PL 1981, c. 428, §1, is amended to read:

1. Persons against whom process may be maintained. Process of forcible entry and detainer may be maintained against a disseisor who has not acquired any claim by possession and improvement; against a tenant holding under a written lease or contract or person holding under such a tenant; against a tenant where the occupancy of the premises is incidental to the employment of a tenant; at the expiration or forfeiture of the term, without notice, if commenced within 7 days from the expiration or forfeiture of the term; ~~and~~ against a tenant at will, whose tenancy has been terminated as provided in section 6002; and against mobile home owners and tenants pursuant to Title 10, chapter 951, subchapter VI.

See title page for effective date.

CHAPTER 61

H.P. 377 - L.D. 512

An Act to Amend the Limitation on Damages in State Tort Claims Actions to Allow for the Accrual of Post-judgment Interest

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

Sec. 1. 14 MRSA §8105, sub-§2, as repealed and replaced by PL 1977, c. 78, §113, is amended to read:

2. Costs. Court costs, prejudgment interest and all other costs ~~which that~~ a court may assess shall must be included within the damage limit specified by this section. Accrued post-judgment interest may not be included within the damage limit.

See title page for effective date.

CHAPTER 62

H.P. 305 - L.D. 409

An Act to Continue Requiring Probable Cause before the Exercise of Protective Custody

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

Sec. 1. 34-B MRSA §3862, sub-§1, as amended by PL 1993, c. 596, §1, is further amended to read:

1. Law enforcement officer's power. If a law enforcement officer has reasonable grounds to believe, based upon probable cause, that a person may be mentally ill and that due to that condition the person presents a threat of imminent and substantial physical harm to that person or to other persons, the law enforcement officer:

- A. May take the person into protective custody; and
- B. If the officer does take the person into protective custody, shall deliver the person immediately for examination by an available licensed physician or licensed clinical psychologist, as provided in section 3863.

~~This subsection is repealed October 1, 1995.~~

Sec. 2. 34-B MRSA §3862, sub-§1-A, as enacted by PL 1993, c. 596, §2 and affected by §4, is repealed.

Sec. 3. 34-B MRSA §3863, sub-§3, ¶C, as enacted by PL 1993, c. 596, §3, is amended to read:

C. Notwithstanding paragraph B, subparagraphs (1) and (2), a person sought to be admitted informally under section 3831 or involuntarily under this section may be held for evaluation and treatment at a hospital pending judicial endorsement of the application and certificate if the endorsement is obtained between the soonest available hours of 7:00 a.m. and 11:00 p.m. :