

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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the aforesaid authorized agents pursuant to an ex parte order, may appear in the District Court or Superior Court, and move the dissolution or modification of the ex parte order, and in that event the court shall proceed to hear and determine that motion as expeditiously as the ends of justice require. At the hearing the authorized agent, who has taken the animal under the ex parte order, shall have the burden of justifying any finding in the ex parte order which the defendant has challenged by affidavit. The affidavit required by this rule shall set forth specific facts sufficient to warrant the required findings and shall be upon the affiant's own knowledge, information or belief; and, so far as upon information and belief, shall state that he believes this information to be true.

4. **Responsibility.** In the event of the return of the animal to the owner, the owner shall pay all fees and all expenses incurred in connection with taking and keeping of the animal and providing it with care and support. In the event of sale of the animal all of the fees and expenses of taking, keeping, caring for and supporting shall be deducted from the sale price and the balance, if any, turned over to the owner or forfeited to the county from which the process issued. The court may direct the applicant or some other suitable person to take possession of and provide for the animal pending the hearing on the process sought under this section or pending any continuance of the hearing; the persons providing for the animal pursuant to order or direction of the court to have, unless the complaint is dismissed, a lien for their expenses thus incurred, the lien to be enforced as provided. The defendant may appeal as in a civil action and pending the appeal the court may order the applicant or some other suitable person to take possession of the animal and to furnish the same with proper shelter, nourishment and care for the same, but before the appeal shall be allowed, the defendant shall give sufficient security to satisfy the applicant or other person as the court shall direct to take possession of the animal, approved by the court, to pay all of the expenses for the care and support of the animal pending appeal.

5. **Lien.** Any person taking possession of any animal as provided in this section shall have a lien thereon for his expense of furnishing the same with proper shelter, nourishment and care, and may enforce the lien in the same manner as liens on goods in possession and choses in action. The court in giving judgment for the lien shall include thereon a pro rata amount for pasturage, feed and shelter, provided by the lienor from the date of the commencement of proceedings to the date of the judgment or the final disposition of the animal as ordered by the court.

Effective September 14, 1979

CHAPTER 318

H. P. 560 — L. D. 707

AN ACT to Permit Juveniles in the Custody of the Department of Mental Health and Corrections to Receive Services from the Department of Human Services.

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

15 MRSA § 3316, sub-§ 3, is enacted to read:

3. **Provision of services.** Nothing in this chapter shall prevent juveniles in the custody of the Department of Mental Health and Corrections from receiving services from the Department of Human Services.

Effective September 14, 1979

CHAPTER 319

S. P. 436 — L. D. 1367

AN ACT to Clarify Inconsistencies in the Liquor Laws.

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

Sec. 1. 28 MRSA § 2, sub-§ 13-A, 5th sentence, as enacted by PL 1977, c. 246, § 1, is amended to read:

In no case shall the commission renew any license for the sale of malt liquor under this subsection, unless they are furnished with proof that the previous year's business conformed to the income provisions of this subsection.

Sec. 2. 28 MRSA § 2, sub-§ 18, as last repealed and replaced by PL 1975, c. 741, § 1, is amended to read:

18. **Wholesaler.** "Wholesaler" shall mean and include persons licensed by the commission to engage in the purchase and resale of malt or brewed beverages and wines, or both, in the original containers, as prepared for the market by the manufacturer at the place of manufacture, but not for consumption, **except testing**, on the premises of said wholesaler.

A wholesaler may, with the written permission of the commission, designate a special area or room for the specific purpose of taste testing new vinous or malt liquor products. All such taste testing activity shall not be open to the public and shall be conducted within the special designated area only.

Sec. 3. 28 MRSA § 54, sub-§ 4, as enacted by PL 1975, c. 741, § 4, is amended to read:

4. **Annual report.** To make an annual report to the Governor of their activities and of the amount of malt liquor license fees collected together with such other information as they deem advisable or as the Governor may require.