

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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notwithstanding section 604, with the compensation they set. The treasurer shall be qualified in matters of business administration and finance. The appointed treasurer shall have all authority granted to treasurers under this subchapter and be subject to all requirements of this subchapter.

Effective September 18, 1981

CHAPTER 420

H. P. 636 — L. D. 726

AN ACT to Clarify the Domestic Violence Statutes.

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

Sec. 1. 15 MRSA § 301, sub-§ 1, as enacted by PL 1979, c. 677, § 1, is amended to read:

1. **Definition.** For purposes of this section, “family or household members” means spouses or former spouses, individuals presently or formerly living as spouses, **natural parents of the same child**, or ~~other~~ adult household members related by consanguinity or affinity. Holding oneself out to be a spouse shall not be necessary to constitute “living as spouses.”

Sec. 2. 15 MRSA § 301, sub-§ 6, as enacted by PL 1979, c. 677, § 1, is amended by adding at the end the 2 new sentences to read:

Notwithstanding any statutory provision to the contrary, an arrest for violation of a protective order may be without warrant upon probable cause whether or not the violation is committed in the presence of the law enforcement officer. The law enforcement officer may verify, if necessary, the existence of a protective order by telephone or radio communication with a law enforcement agency with knowledge of the order.

Sec. 3. 19 MRSA § 762, sub-§ 4, as repealed and replaced by PL 1979, c. 677, §§ 5 and 18, is amended to read:

4. **Family or household members.** “Family or household members” means spouses or former spouses, individuals presently or formerly living as spouses, **natural parents of the same child**, or ~~other~~ adult household members related by ~~consanguinity~~ **consanguinity** or affinity. Holding oneself out to be a spouse shall not be necessary to constitute “living as spouses.”

Sec. 4. 19 MRSA § 765, sub-§ 3, ¶ A, first sentence, as amended by PL 1979, c. 677, § 10, is further amended to read:

When the ~~court~~ **courthouse** is closed and no other provision can be made for the shelter of an abused family or household member, a complaint may be filed before ~~an appropriate any~~ **District Court Judge or Superior Court Judge Justice.**

Sec. 5. 19 MRSA § 765, sub-§ 3, ¶ B, as amended by PL 1979, c. 677, § 10, is repealed and the following enacted in its place:

B. If a complaint is filed under this subsection, that complaint and any order issued pursuant to it shall be forwarded immediately to the clerk of the District Court or Superior Court having venue.

Sec. 6. 19 MRSA § 765, sub-§ 4-A, as enacted by PL 1979, c. 677, § 11, is amended to read:

4-A. Service of order. If the court issues a temporary order or orders emergency or interim relief, it shall order a law enforcement agency to ~~personally serve the order on~~ the defendant **personally with the order, the complaint and the summons.** To protect the plaintiff, the court may order the omission or deletion of his address from any papers served on the defendant.

Sec. 7. 19 MRSA § 766, sub-§ 1, ¶ B, as enacted by PL 1979, c. 578, §§ 5 and 7, is repealed.

Sec. 8. 19 MRSA § 766, sub-§ 1, ¶ B-1, is enacted to read:

B-1. Directing the defendant to refrain from going upon the premises of the plaintiff's residence.

Sec. 9. 19 MRSA § 766, sub-§ 1, ¶ C, as enacted by PL 1979, c. 578, §§ 5 and 7, is repealed and the following enacted in its place:

C. When the mutual residence or household of the parties is jointly owned or jointly leased or when one party has a duty to support the other or their minor children living in the residence or household and that party is the sole owner or lessee:

(1) Granting or restoring possession of the residence or household to one party with the exclusion of the other; or

(2) By consent agreement, allowing the party with the duty to support to provide suitable alternate housing;

Sec. 10. 19 MRSA § 766, sub-§ 6 is enacted to read:

6. Service of order. The court shall order a law enforcement agency to serve the defendant personally with any protective order or consent decree.

Sec. 11. 19 MRSA § 770, sub-§ 5, as enacted by PL 1979, c. 578, §§ 5 and 7, is amended to read:

5. **Arrest in certain situations.** When a law enforcement officer has probable cause to believe that there has been a criminal violation of ~~a protective order or a court approved consent agreement or a protective order issued pursuant to this chapter or Title 15, chapter 12,~~ or that a violation of Title 17-A, section 208, has occurred between members of the same family or household he shall arrest and take into custody the alleged offender.

Effective September 18, 1981

CHAPTER 421

H. P. 884 — L. D. 1053

AN ACT Clarifying Municipal Authority to Invest Funds.

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

30 MRSA § 5051, sub-§ 7 is enacted to read:

7. **Investment trusts.** Where the terms of the instrument, order or article creating the fund do not prohibit, invested in trusts maintained for investment and organized under the laws of this State, provided that trust investments shall be limited to those which are authorized under Title 9-B, sections 552 and 554, insofar as the latter section authorizes investments in certificates of deposit and repurchase agreements secured by federal government or agency investments, and which mature in one year or less. The limitations imposed under subsection 3, paragraph A, and Title 9-B, section 554, subsection 2, do not apply to this subsection.

Effective September 18, 1981

CHAPTER 422

H. P. 1096 — L. D. 1295

AN ACT to Adopt the Maine Municipal and Rural Electrification Cooperative Agency Act.

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

35 MRSA Pt. 8 is enacted to read: