

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

4. Red lights. A red light shall not be used on or in connection with any motor vehicle, the beam from which is visible to the front of the vehicle, except that emergency vehicles may display lights which emit a red beam to the front of the vehicle only under the following classifications.

A. Lights used on ambulances; fire department vehicles; vehicles operated by city and town fire inspectors; forestry department vehicles used for forest fire control purposes; and by vehicles operated by chiefs and chief officers, such as assistant chiefs, deputy chiefs and district chiefs of fire departments, shall emit a red beam of light or a combination of red and white lights. When authorized by the municipal officers of a municipality and countersigned by the fire chief, a red blinker or flashing red signal light not more than 5 inches in diameter may be mounted as near as practicable above the registration plate on the front of a motor vehicle, or mounted on the dashboard so that the light will be shielded from the driver so as not to interfere with his vision, while operated by a member of a municipal or volunteer fire department. The light may be displayed, but shall not be in operation, except while the vehicle is in use for fire or other emergency service. No volunteer or municipal firefighter may operate a red blinker or flashing red signal light upon a motor vehicle, except while actually enroute to the scene of a fire or other emergency requiring services and unless the operator is an active member of the department. Nothing in this subsection may limit the use of lights showing a red beam of light to the front or rear of school buses, provided those lights are of a type approved by the Commissioner of Educational and Cultural Services under section 2012; nor may any designation or authorization by the Commissioner of Public Safety be required for the use of emergency lights authorized under this section.

B. Members of a volunteer emergency rescue squad or volunteer emergency ambulance service may display a red blinker or flashing red signal light of the same proportion, in the same location and under the same conditions as those permitted volunteer firefighters, when authorized by the municipal officers and countersigned by the chief official of the rescue squad or ambulance service.

5. Amber lights. Lights used on vehicles engaged in highway maintenance, in emergency rescue operations by civil defense and public safety agencies, wreckers and public utility emergency service vehicles shall emit an amber beam of light.

A. Vehicles equipped and used for plowing snow on other than public ways may be equipped with an auxiliary rotary flashing light, which shall be mounted on top of the vehicle in such a manner as to emit an amber beam of light over a 360 degree angle. The lighting shall be in use only on a public way when the vehicle is entering the public way in the course of plowing private driveways and other off-highway locations.

The use of those auxiliary lights does not relieve the owner or operator of an emergency vehicle from conforming to section 1366.

Sec. 9. 29 MRSA §1368, as amended by PL 1981, c. 98, §10, is repealed.

Effective August 4, 1988.

CHAPTER 645

H.P. 1524 — L.D. 2077

AN ACT to Implement Uniform Federal Lien Registration.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the recent enactment of federal lien authority concerning environmental and pension matters and the absence of a centralized and uniform system for the filing of federal liens may seriously impair proper and adequate notice to affected real and personal property transferees; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 5 MRSA §86, as amended by PL 1979, c. 572, §1, is further amended by adding at the end a new paragraph to read:

For filing and recording a federal tax lien or other federal liens, notices of which under any Act of Congress or any federal regulation are required or permitted to be filed, \$5.

Sec. 2. 33 MRSA §664, as amended by PL 1981, c. 279, §22, is repealed.

Sec. 3. 33 MRSA §751, sub-§8, as amended by PL 1981, c. 279, §27, is repealed and the following enacted in its place:

8. Federal liens. Recording and indexing notices and discharges of federal tax liens and other federal liens, notices of which under any Act of Congress or any federal regulation are required or permitted to be filed, \$5;

Sec. 4. 33 MRSA c. 37 is enacted to read:

CHAPTER 37

UNIFORM FEDERAL LIEN REGISTRATION ACT§1801. Short title

This chapter shall be known and may be cited as the Uniform Federal Lien Registration Act.

§1802. Scope

This chapter applies only to federal tax liens and to other federal lien notices which, under any Act of Congress or any federal regulation, are required or permitted to be filed in the same manner as notices of federal tax liens.

§1803. Place of filing

1. Applicability. Notices of liens, certificates and other notices affecting federal tax liens or other federal liens must be filed in accordance with this chapter.

2. Real property liens. Notices of liens upon real property for obligations payable to the United States and certificates and notices affecting the liens shall be filed in the registry of deeds in that county or counties within which the affected property is situated.

3. Personal property liens. Notices of federal liens upon personal property, whether tangible or intangible, except property of a type in which a security interest is perfected under Title 11, section 9-401, subsection (1), paragraph (a), for obligations payable to the United States and certificates and notices affecting the liens, shall be filed with the Secretary of State.

4. Timber, mineral and other liens. Notices of federal liens upon personal property of a type in which a security interest is perfected under Title 11, section 9-401, subsection (1), paragraph (a), for obligations payable to the United States and certificates and notices affecting the liens, shall be filed in the registry of deeds in the county or counties where a mortgage on the real estate concerned would be filed or recorded.

§1804. Execution of notices and certificates

Certification of notices of liens, certificates or other notices affecting federal liens by the Secretary of the Treasury of the United States or his delegate or by any official or entity of the United States responsible for filing or certifying of notice of any other lien is sufficient for filing purposes and no other attestation, certification or acknowledgment is necessary.

§1805. Duties of filing officer

1. Notices. If a notice of federal lien, a refiling of a notice of federal lien, or a notice of revocation of any certificate described in subsection 2 is presented to a filing officer who is:

A. The Secretary of State, the filing officer shall

cause the notice to be marked, held and indexed in accordance with Title 11, section 9-403, subsection (4), as if the notice were a financing statement within the meaning of the Uniform Commercial Code, Title 11, except that if the property is of a type in which a security interest is perfected under Title 5, section 90-A, the Secretary of State shall cause the notice to be marked, held and indexed in accordance with the procedures established under Title 5, section 90-A, as if the notice were a financing statement within the meaning of that section; or

B. A register of deeds, the filing officer shall receive, record and index the notice in the same manner as similar instruments are recorded and indexed.

2. Certificates. If a certificate of release, nonattachment, discharge or subordination of any lien is presented to the Secretary of State for filing, the filing officer shall:

A. Cause a certificate of release or nonattachment to be marked, held and indexed as if the certificate were a termination statement within the meaning of the Uniform Commercial Code, but the notice of lien to which the certificate relates may not be removed from the files; and

B. Cause a certificate of discharge or subordination to be marked, held and indexed as if the certificate were a release of collateral within the meaning of the Uniform Commercial Code.

3. Refiled notices; register of deeds. If a refiled notice of federal lien as referred to in subsection 1 or any of the certificates of notices referred to in subsection 2 are presented for filing to a register of deeds, the register of deeds shall receive, record and index that instrument in the same manner as similar instruments are recorded and indexed.

4. Filing; fees. Upon request of any person, the Secretary of State shall issue a certificate showing whether there is on file, on the date and hour stated in the request, any notice of lien or certificate or notice affecting any lien filed under this chapter naming a particular person and, if a notice or certificate is on file, giving the date and hour of filing of each notice or certificate. The fee for a certificate is \$5. Upon request, the Secretary of State shall furnish a copy of any notice of federal lien, or notice or certificate affecting a federal lien, for a fee of \$1 a page.

§1806. Fees

Applicable fees shall be governed by section 751, subsection 8 and Title 5, section 86.

§1807. Uniformity of application and construction

This chapter shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among states enacting it.

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

Effective March 30, 1988.

CHAPTER 646

S.P. 952 — L.D. 2520

AN ACT to Reform Provisions of the Civil Justice System.

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

Sec. 1. 14 MRSA §52 is enacted to read:

§52. Ad damnum clause

No dollar amount or figure may be included in the demand in any civil case filed in Superior Court, but the prayer shall be for such damages as are reasonable in the premises. This section shall not apply to a demand for liquidated damages.

Sec. 2. 14 MRSA §158-A is enacted to read:

§158-A. Immunity for charitable directors, officers and volunteers

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Charitable organization” means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State:

(1) That is exempt from federal income taxation under the United States Internal Revenue Code, Section 501(a), because it is described in Section 501(c)(3), (4), (6) as it pertains to chambers of commerce only, (10), (13) or (14)(A), including all subsequent amendments to those paragraphs. An organization is included in this subparagraph if it would be exempt from taxation under Section 501(c)(3) but for its engaging in attempting to influence legislation to the extent that it is disqualified from tax exemption under Section 501(c)(3); or

(2) That is:

(a) Organized under the Maine Nonprofit Corporation Act for any of the purposes listed in Title 13-B, section 201, subsection 1, paragraph A;

(b) Organized under the provisions set forth in Title 13-B, section 201, subsection 2, paragraph A; or

(c) Organized under the provisions of Title 13-B, section 201, subsection 3, paragraph D or E.

This subparagraph applies to all subsequent amendments to the statutes covered by divisions (a), (b) and (c).

B. “Director” means a person who serves without compensation, except that the person may be paid for expenses, on the board of trustees or board of directors of a charitable organization.

C. “Officer” means a person who serves without compensation, except that the person may be paid for expenses, as an officer of a charitable organization.

D. “Volunteer” means a person who provides services without compensation, except that the person may be paid for expenses, to a charitable organization.

2. Immunity. A director, officer or volunteer is immune from civil liability for personal injury, death or property damage, including any monetary loss:

A. When the cause of action sounds in negligence and arises from an act or omission by the director, officer or volunteer which occurs within the course and scope of the activities of the charitable organization in which the director, officer or volunteer serves; or

B. Arising from any act or omission, not personal to the director, officer or volunteer, which occurs within the course and scope of the activities of the charitable organization in which the director, officer or volunteer serves.

Sec. 3. 14 MRSA §1602, sub-§1, as amended by PL 1983, c. 583, §7, is further amended to read:

1. Prejudgment interest; rate; avoidance. In all civil actions, except those actions involving a contract or note which contains a provision relating to interest, prejudgment interest shall be assessed at the rate of 8% per year.:

A. For actions in which the damages claimed or awarded do not exceed the jurisdictional limit of the District Court set forth in Title 4, section 152, subsection 2, of 8% per year; and

B. For other actions, equal to the coupon issue yield equivalent, as determined by the United States Secretary of the Treasury, of the average accepted auction price for the last auction of 52-week United States Treasury bills settled immediately prior to the date from which the interest is calculated under section 1602-A, plus 1%.

Prejudgment interest shall accrue from the time of notice of claim setting forth under oath the cause of action, served personally or by registered or certified mail upon the defendant until the date on which an order of judgment is entered. If no notice of claim has been given to the defendant, prejudgment interest shall accrue from the date on which the complaint is filed. If the prevail-