

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

notice as provided in paragraph A at any time before the later of:

(1) Two years after the effective date of this subsection; or

(2) The recording of a conveyance for value to an unrelated 3rd party. For the purposes of this subsection, "unrelated 3rd party" means a person or entity having no legal or equitable interest in the partnership or the real property before the conveyance is recorded.

C. Nothing in this subsection may be construed to extend the period for bringing an action or doing any other required act under any statute of limitations.

2. Conveyance of real property after October 3, 1973. Real property of the partnership conveyed after October 3, 1973, shall be subject to the following.

A. Where title to real property is in the partnership name, any partner may convey title to that property by a conveyance executed in the partnership name; but the partnership may recover that property unless the partner's act binds the partnership under the first paragraph of section 289, or unless such property has been conveyed by the grantee or a person claiming through the grantee to a holder for value without knowledge that the partner, in making the conveyance, has exceeded the partner's authority.

B. Where title to real property is in the name of the partnership, a conveyance executed by a partner, in the partner's own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the first paragraph of section 289.

C. Where title to real property is in the name of one or more but not all the partners, and the record does not disclose the right of the partnership, the partners in whose name the title stands may convey title to that property, but the partnership may recover that property if the partners' act does not bind the partnership under the first paragraph of section 289, unless the purchaser or the purchaser's assignee is a holder for value, without knowledge.

D. Where the title to real property is in the name of one or more or all the partners, or in a 3rd person in trust for the partnership, a conveyance executed by a partner in the partnership name, or in the partner's own name, passes the equitable interest of the partnership, provided the act is one within the authority of the partner under the first paragraph of section 289.

E. Where the title to real property is in the names of all the partners a conveyance executed by all the partners passes all their rights in that property.

See title page for effective date.

CHAPTER 121

H.P. 281 - L.D. 393

An Act to Amend the Law to Provide for Appeal of Civil Contempt Orders

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

14 MRSA §252, as amended by PL 1979, c. 668, §1, is further amended to read:

§252. Summary process where decree disobeyed; contempt

Whenever a party or the Department of Human Services, if it is subrogated to a party under Title 19, chapter 7, subchapter V, complains in writing and under oath that the process, decree or order of court, which is not, except as provided in Title 19, section 771, for the payment of money only, has been disregarded or disobeyed by any person, summary process shall issue by order of any justice, requiring ~~such~~ that person to appear on a day certain and show cause why ~~he~~ that person should not be adjudged guilty of contempt. Such process shall fix a time for answer to the complaint and may fix a time for hearing on oral testimony, depositions or affidavits, or may fix successive times for proof, counterproof and proof in rebuttal, or the time for hearing and manner of proof may be subsequently ordered upon the return day or thereafter. The court may for good cause enlarge the time for ~~such~~ the hearing. If the person so summoned does not appear as directed or does not attend the hearing at the time appointed therefor as enlarged, or if, upon hearing, ~~he~~ the person is found guilty of such disregard or disobedience, ~~he~~ the person shall be adjudged in contempt and the court may issue a writ of habeas corpus to bring ~~him~~ the person before it to receive sentence and may punish ~~him~~ the person by such reasonable fine or imprisonment as the case requires. The court may allow ~~such~~ the offender to give bail to appear at a time certain, when ~~such~~ the punishment may be imposed if ~~he~~ the person continues in contempt; but when a second time found guilty of contempt in disregarding or disobeying the same order or decree, no bail shall be allowed. When ~~such~~ the person purges ~~himself of his~~ that contempt, the justice may remit ~~such~~ the fine or imprisonment or any portion thereof. ~~No appeal lies from any order or decree for such punishment, save upon questions of jurisdiction; nor shall such appeal~~ Appeal from any order or decree or judgment under this section shall be governed by the Maine Rules of Civil Procedure. Such appeal shall not suspend the enforcement of any such order or decree unless the court so directs.

See title page for effective date.

CHAPTER 122

H.P. 417 - L.D. 582

An Act to Amend the Law Regarding Shoplifters