

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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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

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

Sec. 1. 17 MRSA §3521, as enacted by PL 1975, c. 543, is amended to read:

**§3521. Detention of shoplifters**

A store owner, manager or supervisor, or that person's designee, may detain on the premises in a reasonable manner and for a period of time not to exceed 1/2 hour any person ~~he has~~ as to whom there is probable cause to believe is unlawfully concealing merchandise. The purposes of ~~such~~ detention shall be: To require the person being detained to ~~identify himself~~ provide identification; to verify ~~such~~ the identification; to inform a law enforcement officer of the detention and to surrender ~~such that~~ that person to ~~said~~ the officer; and when the detained person is a minor, to inform a law enforcement officer or the parents or guardian of ~~said~~ the minor of the detention and to surrender ~~him~~ the minor to the person so informed.

~~Any sheriff, deputy sheriff, municipal or state police officer, if he has probable cause to believe that a person has unlawfully concealed merchandise, may arrest such person without a warrant, whether or not such concealment was committed in his presence.~~

Sec. 2. 17-A MRSA §15, sub-§1, ¶A, as amended by PL 1987, c. 870, §11, is further amended to read:

A. Any person who he has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;
- (5-A) Assault, criminal threatening, terrorizing or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 321;
- (6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;
- (7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of ~~his~~ probation when requested by an official of the Division of Probation and Parole; ~~or~~

(10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3, section 1051, subsection 2, section 1051, subsection 9 and section 1092; ~~and or~~

(11) Theft involving a detention under Title 17, section 3521; and

See title page for effective date.

## CHAPTER 123

H.P. 452 - L.D. 617

### An Act to Further Define the Responsibilities of the Maine Milk Commission to Ensure a Supply of Milk to the Consumers of Maine

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

7 MRSA §2953, first ¶, as repealed and replaced by PL 1975, c. 517, §2, is amended to read:

The commission shall have power to establish and change the minimum wholesale and retail prices for the sale of milk within the State, in such a manner as to supplement ~~such the~~ supervision and regulations as are now imposed by existing ~~statutes~~ laws or by lawful ordinances or rules and regulations of the several cities and towns of the State. The commission shall have no power to modify, add to or ~~annual~~ annul any sanitary regulations imposed by any state or municipal authority or to compel ~~pasturization~~ pasteurization in any market area. The commission shall ensure that distributors give 30 days' notice before terminating delivery to any customer in their delivery area or in the traditional delivery area of a distributor they have purchased. The 30-day notice does not apply to cancellations resulting from a failure to pay bills.

See title page for effective date.

## CHAPTER 124

H.P. 512 - L.D. 692

### An Act to Regulate Medical Wastes