

# 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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ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited, or that the clientele is restricted to any particular race or color, physical or mental handicap, religion, ancestry or national origin. The production of any communication, notice or advertisement purporting to relate to any place of accommodation shall be presumptive evidence in any action that the action was authorized by its owner, manager or proprietor; and

**3. Denial of lodging; children, exception.** For any person who is the owner, lessee, proprietor, manager, superintendent, agent or employee of any public accommodation for lodging to directly or indirectly refuse or withhold from or deny to any person that lodging on the grounds that the person is accompanied by a child or children who will occupy the unit, unless the total number of persons seeking to occupy the unit exceeds the number permitted by local ordinances or reasonable standards relating to health, safety or sanitation.

This subsection does not apply to the owner of a lodging place:

- A. That serves breakfast;
- B. That contains no more than 8 rooms available to be let to lodgers; and
- C. In which the owner resides on the premises.

See title page for effective date.

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## CHAPTER 302

H.P. 802 - L.D. 1114

### An Act to Clarify the Exempt Status of a Bona Fide Lienholder under the Forfeiture of Assets Act

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

**Sec. 1. 15 MRSA §5821, sub-§6, ¶A,** as enacted by PL 1987, c. 420, §2, is amended to read:

A. No property may be forfeited under this subsection, to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner; ~~and~~

**Sec. 2. 15 MRSA §5821, sub-§7, ¶A,** as enacted by PL 1987, c. 420, §2, is amended to read:

A. No property may be forfeited under this subsection, to the extent of an interest of an owner, by reason of an act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner. When an owner of property which is that person's primary residence

proves by a preponderance of the evidence that he is the spouse or minor child of the coowner of the primary residence who has used or intended to use the residence, in any manner or part, to commit or facilitate the commission of a violation of Title 17-A, section 1103 or 1105, the State shall bear the burden of proving knowledge or consent of the spouse or minor child by a preponderance of the evidence; and

**Sec. 3. 15 MRSA §5821, sub-§8** is enacted to read:

**8. Bona fide lienholders.** A forfeiture, under this section, of property encumbered by a perfected bona fide security interest, is subject to the interest of the secured party if the party neither had knowledge of nor consented to the act or omission upon which the right of forfeiture is based.

**Sec. 4. 15 MRSA §5822, sub-§4, ¶B,** as enacted by PL 1987, c. 420, §2, is amended to read:

B. The court may also order the property sold at public auction and the proceeds of the sale, less the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance of custody, advertising and notice to pay any perfected bona fide mortgage or security interest on the mortgage, disposed of in accordance with other property forfeited under this subsection.

See title page for effective date.

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## CHAPTER 303

H.P. 781 - L.D. 1093

### An Act to Provide a Fee Adjustment for Civil Process Servers

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

**30-A MRSA §421, sub-§§1, 2 and 14,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

**1. Civil process.** For service of all writs or complaints with summonses, precepts, notices, executions, court orders, orders of service, copies and all other civil process or papers requiring service which are not specified in this section, ~~\$4 for each such service and \$8 if the service is made in hand; ;~~

A. For proceedings in forma pauperis, \$4 for each such service and \$8 if the service is made in hand;

B. For service on behalf of the State, \$4 for each such service and \$8 if the service is made in hand; and

C. For all other proceedings, \$8 for each such service and \$16 if the service is made in hand;

**2. Disclosure subpoena.** For the service of a disclosure subpoena as provided by Title 14, chapter 502, §§ 16;

**14. Search for persons to serve.** For diligently searching for persons ~~upon~~ on whom they are commanded to serve civil process when that party cannot be located at an address given to the sheriff or the deputy sheriff by the plaintiff or the plaintiff's attorney when commanding the service to be made, \$2 10, plus necessary travel.

See title page for effective date.

## CHAPTER 304

S.P. 410 - L.D. 1076

### An Act to Create the Local Government Records Board

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

**Sec. 1.** 5 MRSA §12004-I, sub-§55, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. 2.** 5 MRSA §12004-I, sub-§55-A is enacted to read:

<u>55-A. Local and County Government</u>	<u>Local Government Records Board</u>	<u>Not Authorized</u>	<u>30-A MRSA §1704</u>
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**Sec. 3.** 5 MRSA §12004-I, sub-§56, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. 4.** 30-A MRSA c. 1, sub-c. VIII, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 5.** 30-A MRSA c. 15 is enacted to read:

### CHAPTER 15

#### LOCAL GOVERNMENT RECORDS

##### §1701. Short title

This chapter shall be known and may be cited as the "Local Government Records Law."

##### §1702. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Current record.** "Current record" means a record needed and used in the day-to-day conduct of the current

business of a local government or a local government official, and which must be kept in office space and equipment for that purpose.

**2. Local government.** "Local government" means any government entity that is not an agency of the State or of the United States, specifically including counties, municipalities, school districts, special purpose districts and similar government entities.

**3. Local government official.** "Local government official" means any elected or appointed member of a local government.

**4. Record.** "Record" means all documentary material, regardless of media or characteristics, made or received and maintained by a local government in accordance with law or regulation or in the transaction of its official business.

##### §1703. General requirements

The following provisions apply to local government records.

**1. Omissions or errors corrected.** When omissions or errors exist in local government records, they shall be corrected under oath by the person whose duty it was to make them correctly, whether or not that person remains in office.

**A.** If an original town meeting warrant is lost or destroyed, the return may be made or amended on a copy of it.

**2. Safe or vault for preservation.** Each local government shall provide a fireproof safe or vault for the preservation of all records that are not current records. The official having responsibility for those records shall deposit them in the safe or vault where they shall be kept except when required for use.

**3. Attestation.** The records of a local government official may be attested by volume. Each document is sufficiently attested when the volume in which it is recorded bears the attestation with the written signature of the official.

**4. Delivery to successor in office.** Local government officials shall deliver the records of their office to their successors in office upon the expiration of their terms.

**5. Records available for public use.** Each local government official shall make records under that official's supervision available for public use at reasonable times unless the use of the records is otherwise restricted by law.

**6. Protection of records.** Local government officials shall carefully protect and preserve the records of their office from deterioration, mutilation, loss or destruction.

**7. Disposition of records.** No records may be destroyed or otherwise disposed of by any local government official, except as provided by the Local Government Records Board. Records which have been determined by the