

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
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for funeral goods and services set forth in the Federal Trade Commission's Funeral Industry Practices Rule, 16 Code of Federal Regulations, Part 453. Violation of this section is an unfair trade practice in violation of Title 5, section 207.

See title page for effective date.

CHAPTER 392

H.P. 167 - L.D. 232

An Act to Grant the Power of Equitable Jurisdiction to the Maine District Court

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

Sec. 1. 4 MRSA §152, sub-§5, as amended by PL 1985, c. 293, §§1 and 2, is further amended to read:

5. **Other actions.** Original jurisdiction, concurrent with that of the Superior Court, of the following types of actions, and in these actions the District Court may grant equitable relief:

A. Actions for divorce, annulment of marriage or judicial separation and of proceedings under Title 19;

B. Actions to quiet title to real estate under Title 14, sections 6651 to 6658;

C. Actions to quiet title to real estate under Title 36, section 946;

D. Actions for breach of implied warranty and covenant of habitability under Title 14, section 6021;

E. Actions to foreclose mortgages under Title 14, chapter 713, subchapter VI;

F. Actions for restitution under Title 5, section 213; and

G. Actions for illegal evictions under Title 14, section 6014-;

H. Actions for the foreclosure of mortgages of real and personal property and for redemption of estates mortgaged;

I. Actions to compel the specific performance of written contracts and to cancel and compel the discharge of written contracts, whether under seal or otherwise, when full performance or payment has been made to the contracting party;

J. Actions for relief in cases of fraud, duress, unjust enrichment, trust, accident or mistake;

K. Actions concerning nuisance and waste;

L. Actions concerning partnership, and between partners or part owners of vessels and of other real and personal property to adjust all matters of the partnership and between the part owners, compel contribution, make final decrees and enforce their decrees by proper process in cases where all interested persons within the jurisdiction of the court are made parties;

M. Actions to hear and determine property matters between spouses as provided in Title 19, section 166, and to make all necessary orders and decrees relating to these matters, to issue all necessary process to enforce the orders and decrees and to cause all the orders and decrees to be enforced;

N. Civil actions for redelivery of goods or chattels taken or detained from the owner and secreted or withheld so that the goods or chattels cannot be replevied, and in civil actions by creditors to reach and apply in payment of a debt any property, right, title or interest, legal or equitable, of a debtor or debtors, which cannot be attached on writ or taken on execution in a civil action, and any property or interest conveyed in fraud of creditors;

O. Actions in which the pleading demands a judgment:

(1) To exclude a person from a vested or contingent interest in or lien upon specific property within the State;

(2) That a vested or contingent interest in or lien upon specific property within the State be enforced; or

(3) Otherwise affecting title to any real property;

P. Actions to compel the compliance with court orders including the right to appoint persons to sign instruments as provided for in the Maine Rules of Civil Procedure; and

Q. Actions in which the equitable relief is sought through an equitable defense, a counterclaim, a cross-claim or other responsive pleading or reply permitted by the Maine Rules of Civil Procedure.

Nothing in this subsection may be construed to affect the right of any party to remove an action to the Superior Court in accordance with the Maine Rules of Civil Procedure.

Sec. 2. 4 MRSA §152, last ¶, as repealed and replaced by PL 1983, c. 796, §1, is amended to read:

The District Court shall also possess, concurrent with the Superior Court, original jurisdiction to receive pleas of guilty in criminal cases in which the maximum term of imprisonment to which the defendant may be sentenced upon conviction of that crime is one year or more in which the defendant has in writing waived his the defendant's right

to indictment by grand jury and ~~his~~ the defendant's right to appearance and trial in the Superior Court and has indicated ~~his~~ the defendant's intention to enter a plea of guilty to the charges pending against ~~him~~ the defendant. When exercising such jurisdiction, the District Court shall possess all of the powers of the Superior Court. That jurisdiction shall be exercised in the manner which the Supreme Judicial Court shall by rule provide. Any person sentenced under this section shall be entitled to the rights provided by Title 15, chapter 306.

Sec. 3. 14 MRSA §6502 is amended to read:

§6502. Form

Persons entitled as provided in section 6501, and those in possession or having a right of entry for a term of years, as tenants in common, may commence an action for partition in the Superior Court or District Court held in the county where such estate is by a complaint, clearly describing it and stating whether it is a fee simple, for life or for years, and the proportion claimed by them, the names of the other tenants in common and their places of residence, if known, and whether any or all of them are unknown.

See title page for effective date.

CHAPTER 393

H.P. 1214 - L.D. 1686

An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation

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

17-A MRSA §1202, sub-§2, as enacted by PL 1975, c. 499, §1, is amended to read:

2. During the period of probation specified in the sentence made pursuant to subsection 1, and upon application of a person on probation, ~~his~~ the person's probation officer, or upon its own motion, the court may, after a hearing upon notice to the probation officer and the person on probation, modify the requirements imposed, add further requirements authorized by section 1204, or relieve the person on probation of any requirement that, in its opinion, imposes on the person an unreasonable burden ~~on him~~.

Notwithstanding this subsection, the court may grant, ex parte, a motion brought by the probation officer to add further requirements if the requirements are immediately necessary to protect the safety of an individual or the public and if all reasonable efforts have been made to give written or oral notice to the person on probation. Any requirements added pursuant to an ex parte motion do not take effect until written notice of the requirements, along with written notice of the scheduled date, time and place when the court shall

hold a hearing on the added requirements, is given to the person on probation.

See title page for effective date.

CHAPTER 394

H.P. 1161 - L.D. 1615

An Act Regarding the Handicap Parking Privilege to Veterans with Disabled Veterans License Plates

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

Sec. 1. 29 MRSA §252-A, as repealed and replaced by PL 1987, c. 769, Pt. A, §115, is amended to read:

§252-A. Disabled veterans; special free license plates

The Secretary of State on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any 100% disabled veteran when that application is accompanied by certification from the United States Veterans Administration as to the veteran's disability and receipt of 100% service-connected benefits and that the veteran is permanently confined to a wheelchair or restricted to the use of crutches or braces or otherwise handicapped in such a way that mobility is seriously restricted. A handicap placard shall be issued in addition to the disabled veteran registration plate and upon payment of a \$1 fee.

These special designating plates shall bear the letters VET which indicate that the vehicle is owned by a disabled veteran.

Sec. 2. 30-A MRSA §3009, sub-§1, ~~1D~~, 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. A, §28 and Pt. C, §§8 and 10, is further amended to read:

D. The following provisions apply to the establishment and policing of parking spaces for handicapped persons.

(1) Municipal public parking areas are subject to any applicable requirements of the Maine Human Rights Act, Title 5, chapter 337, subchapter V. The municipality shall post a sign adjacent to and visible from each handicapped parking space established by the municipality. The sign shall display the international symbol for accessibility.

(2) Owners of private off-street parking shall arrange for private enforcement or shall enter into agreements with local or county law enforcement agencies to enforce handicapped parking restrictions. Under these