

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 1. 20-A MRSA §13604, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

§13604. Leaves of absence

1. Leaves of absence granted by school board. To increase the efficiency of the public schools and to permit teachers, principals or other persons to pursue a further course of study or to travel to be better qualified by education and culture for the position they hold in the schools, a school board may grant a leave of absence to any teacher, principal or other person regularly employed by the school board.

2. Maximum length; years of service. A leave of absence may not exceed one year and may be granted only after 7 years of service.

3. Other terms and conditions. All other terms and conditions of a leave of absence, including, but not limited to, compensation during a leave of absence, may be determined by a collective bargaining agreement negotiated under Title 26, chapter 9-A. In the absence of or to the extent not inconsistent with any applicable collective bargaining agreement, the school board may establish these terms and conditions.

Sec. 2. Applicability. Section 1 applies to leaves of absence granted on or after the effective date of this Act and includes leaves of absence granted under collective bargaining agreements entered into before the effective date of this Act.

See title page for effective date.

CHAPTER 902

S.P. 731 - L.D. 1930

An Act to Amend the Motor Vehicle Title Laws

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

Sec. 1. 29 MRSA §2352, sub-§1, ¶C, as amended by PL 1985, c. 401, §16, is further amended to read:

C. §10:

- (1) For a corrected certificate of title or certificate of salvage; ~~and~~
- (2) For a duplicate certificate of title or certificate of salvage pursuant to section 2377; and
- (3) For a duplicate certificate of lien;

Sec. 2. 29 MRSA §2364, sub-§2, as amended by PL 1987, c. 485, §9, is further amended to read:

2. Purchased from the dealer. If the application refers to a vehicle purchased from a dealer, it shall contain the name and address of any lienholder or assignee holding a security interest created or reserved at the time of sale and the date of his the security agreement and be signed by the owner and the dealer. ~~If there is no lienholder or assignee, the~~ The dealer shall, within 20 days after the time of sale, mail or deliver the application to the Secretary of State. ~~If there is a security interest created or reserved at the time of sale, the dealer shall, within 20 days after the time of sale, mail or deliver the original application to the lienholder or assignee. The lienholder or assignee shall mail or deliver that original application to the Secretary of State within 20 days after receiving it from the dealer.~~

Sec. 3. 29 MRSA §2368, as amended by PL 1981, c. 110, §22, is repealed and the following enacted in its place:

§2368. Mailing certificate

The certificate of title or certificate of salvage must be mailed to the owner named on either certificate. A certificate of lien must be mailed to the first lienholder named on the certificate of title or certificate of salvage. The certificate of lien must contain the same information required to be on the certificate of title by section 2367, subsection 1, and a place for the release of each lien.

Sec. 4. 29 MRSA §2371, sub-§1, as amended by PL 1981, c. 110, §25, is further amended to read:

1. Application. If a certificate is lost, stolen, mutilated or destroyed or becomes illegible, ~~the first lienholder or, if none, the~~ owner or legal representative of the owner named in the certificate, as shown by the records of the Secretary of State, shall promptly make application for and may obtain a duplicate upon furnishing information satisfactory to the Secretary of State. The duplicate certificate of title or certificate of salvage shall contain the legend, "This is a duplicate certificate and may be subject to the rights of a person under the original certificate." It shall be mailed to the ~~first lienholder named on it or, if none, to the~~ owner named on the certificate unless that owner gives written authorization to mail the certificate to another person. If a certificate of lien has been lost, stolen, mutilated or destroyed or becomes illegible, the first lienholder shown on the certificate may apply for and obtain a duplicate upon furnishing information satisfactory to the Secretary of State.

Sec. 5. 29 MRSA §2372, sub-§1, as amended by PL 1989, c. 481, Pt. A, §30, is further amended to read:

1. Transfer; owner. If an owner transfers interest in a vehicle, other than by the creation of a security interest, the owner shall, at the time of delivery of the vehicle, execute an assignment and warranty of title to the transferee in the space provided therefor on the certificate or as the Secretary of State prescribes, including the odometer information required by section 364-A, and

cause the certificate and assignment to be mailed or delivered to the transferee or to the Secretary of State. Except as provided in section 2373, an owner must provide the transferee with a properly released certificate of lien if a certificate was issued to any lienholder listed on the owner's title or salvage certificate.

Sec. 6. 29 MRSA §2372, sub-§2, as enacted by PL 1973, c. 586, §1, is amended to read:

2. Transfer. Upon request of the owner or transferee, a lienholder in possession of the certificate of title, certificate of salvage or certificate of lien shall, unless the transfer was a breach of his the security agreement, either deliver the certificate to the transferee for delivery to the Secretary of State or, upon receipt from the transferee of the owner's assignment, the transferee's application for a new certificate and the required fee, mail or deliver them to the Secretary of State. The delivery of the certificate does not affect the rights of the lienholder under his a security agreement.

Sec. 7. 29 MRSA §2373, first ¶, as repealed and replaced by PL 1987, c. 485, §11, is repealed and the following enacted in its place:

If a dealer holds a vehicle for resale, upon transferring the vehicle to another person the dealer, within 20 days of the date of the transfer, must execute a transfer of ownership on the certificate of title or certificate of salvage to the vehicle, or as the Secretary of State prescribes, and must mail or deliver the certificate to the Secretary of State with the transferee's application for a new certificate. If a security interest is created or reserved at the time of the transfer, the dealer must state the security interest on the application for a certificate of title or certificate of salvage and mail or deliver a copy of the application to the first lienholder or assignee shown on the application. A dealer may not transfer the vehicle to any person unless the dealer has a properly assigned certificate of title or certificate of salvage in the dealer's possession, unless the certificate is forthcoming from a lienholder who releases the certificate under section 2405. If the title to the vehicle being held by the dealer for resale shows an unreleased security interest, the dealer may not transfer the vehicle to any person without a properly released certificate of lien, unless the certificate is forthcoming from a lienholder who releases the certificate under section 2405.

Sec. 8. 29 MRSA §2374, sub-§1, as amended by PL 1981, c. 110, §30, is further amended to read:

1. Other than voluntary transfer. If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the owner must surrender the title immediately to the transferee or to the Secretary of State. The transferee shall, except as provided in subsection 2, promptly mail or deliver to the Secretary of State the last certificate of title or certificate of salvage, if available, proof of the transfer and his application for a new certificate in the form the Secretary of State prescribes.

Sec. 9. 29 MRSA §2374, sub-§2, as enacted by PL 1973, c. 586, §1, is amended to read:

2. Interest terminated. If the interest of the owner is terminated or the vehicle is sold under a security agreement by a lienholder named in the certificate of title or certificate of salvage, the owner must immediately surrender the title to the lienholder or to the Secretary of State if it is in the owner's possession. The transferee shall promptly mail or deliver to the Secretary of State the last certificate of title or certificate of salvage, his if available, an application for a new certificate in the form the Secretary of State prescribes and an affidavit made by or on behalf of the lienholder that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement. If the last certificate of title or certificate of salvage is not available to the lienholder or transferee, the lienholder may transfer the vehicle by executing an assignment in the space provided on the certificate of lien. The lienholder may also apply for a certificate of title or certificate of salvage in the lienholder's name, and transfer the vehicle by executing an assignment on the space provided on the certificate of title or certificate of salvage. If the lienholder succeeds to the interest of the owner and holds the vehicle for resale, he the lienholder need not secure a new certificate of title or certificate of salvage, but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the Secretary of State the certificate of title or certificate of salvage showing the lien to be released or a certificate of lien properly released, the affidavit and other documents required to be sent to the Secretary of State by the transferee.

Sec. 10. 29 MRSA §2376, first ¶, as enacted by PL 1973, c. 586, §1, is amended to read:

The Secretary of State upon receipt of a properly assigned certificate of title or certificate of salvage, with an application for a new certificate of title, the required fee and any other documents required by law, shall issue a new certificate of title or certificate of salvage in the name of the transferee as owner and mail that certificate to the first lienholder named in it or, if none, to the owner. If a lienholder is named on the certificate of title or certificate of salvage, the Secretary of State must mail a certificate of lien to the first named lienholder.

Sec. 11. 29 MRSA §2403, sub-§4, as enacted by PL 1973, c. 586, §1, is amended to read:

4. New certificate. Upon receipt of the certificate of title or certificate of salvage, the application and the required fee, the Secretary of State shall ~~either endorse the certificate or~~ issue a new certificate containing the name and address of the new lienholder, and mail the certificate to the owner and a certificate of lien to the first lienholder named in it on that certificate.

Sec. 12. 29 MRSA §2405, as amended by PL 1985, c. 401, §§20 and 21, is further amended to read:

§2405. Release of security interest

Upon the satisfaction of a security interest in a vehicle for which the certificate of title, certificate of salvage or certificate of lien is in the possession of the lienholder, ~~he~~ the lienholder shall, within 10 days after demand and, in any event, within 20 days, execute a release of ~~his~~ the security interest in the space provided on the certificate. The lienholder shall:

1. **Release of certificate to lienholder.** Release the certificate of title, certificate of salvage or certificate of lien to the subordinate lienholder if one was named in the certificate;

2. **Lien satisfied; certificate released.** If the lien was satisfied in conjunction with the sale of the vehicle and if a subordinate lienholder does not exist, release the certificate of title, certificate of salvage or certificate of lien to the owner or to any person who delivers to the lienholder an authorization from the owner to receive the certificate; or

3. **Certificate mailed to owner and Secretary of State notified.** Mail or deliver this certificate to the owner named on the certificate and notify the Secretary of State that the lien has been satisfied. The notification shall be issued in a manner prescribed by the Secretary of State.

Upon the satisfaction of a subordinate security interest in a vehicle for which the certificate of title, certificate of salvage or certificate of lien is in the possession of a prior lienholder, the lienholder whose security interest is satisfied shall, within 10 days after demand and, in any event, within 20 days execute a release in the form the Secretary of State prescribes and mail or deliver the release to the owner or any person who delivers to the lienholder an authorization from the owner to receive ~~it~~ that release. ~~The lienholder in possession of the certificate of title shall, upon receipt of the release, either deliver the certificate and release to the owner or the person authorized by him, for delivery to the Secretary of State or mail or deliver the certificate and release to the Secretary of State, who shall release the subordinate lienholder's rights on the certificate or issue a new certificate.~~ The subordinate lienholder whose security interest is satisfied shall mail or deliver a copy of the release to the first lienholder named in the certificate of title or certificate of salvage for the vehicle and shall notify the Secretary of State that the lien has been satisfied in a manner prescribed by the Secretary of State.

Sec. 13. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1990-91

SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles

All Other

\$72,629

Provides funds for anticipated postage, data processing and other related expenses associated with the mailing of a certificate of lien.

Sec. 14. Effective date. This Act takes effect January 1, 1991.

Effective January 1, 1991.

CHAPTER 903

H.P. 1589 - L.D. 2201

An Act to Create the Maine Coast Environmental Trust Fund

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

Sec. 1. 5 MRSA §13127, first ¶, as enacted by PL 1989, c. 529, §2, is amended to read:

The Marine Research Board, as established in chapter 379, referred to in this section and sections ~~13128 and 13129~~ chapter as "the board," shall carry out the purposes of this chapter.

Sec. 2. 5 MRSA §13127, sub-§§2, 4 and 6, as enacted by PL 1989, c. 529, §2, are amended to read:

2. **Composition.** The board ~~shall be~~ is composed of ~~13~~ 15 members. The membership ~~shall include~~ includes one representative of the University of Maine System, one representative of the Association for Research in the Gulf of Maine, ~~one representative~~ 2 representatives of nonprofit environmental organizations, one representative of independent higher education institutions, 2 representatives of the scientific community, ~~and~~ 2 representatives of marine resource industries and one public member. The Commissioner of Environmental Protection, the ~~Commissioner of Conservation~~ Director of the Maine Geological Survey, the Commissioner of Marine Resources, the Director of the State Planning Office and the director of the sea grant college program ~~shall~~ may serve as ex officio members. The ex officio members may appoint designees to fulfill their duties under this chapter.

4. **Terms.** Appointed board members ~~shall~~ serve for 3-year terms. Initial terms of appointment ~~shall be~~ are: ~~2~~ 3 members for one-year terms; 3 members for 2-year terms; and ~~3~~ 4 members for 3-year terms. Board members may serve no more than 2 consecutive terms.

6. **Quorum.** A quorum consists of ~~7~~ 8 members. A quorum ~~shall be~~ is necessary for the board to conduct its business at any board meeting.