

# 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 FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

---

---

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

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

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

modified or the defendant should be committed without bail pending the bail revocation hearing.

**Sec. 4. 15 MRSA §1094**, as enacted by PL 1987, c. 758, §20, is repealed and the following enacted in its place:

**§1094. Forfeiture of bail; enforcement**

When a defendant who has been admitted to either preconviction or post-conviction bail in a criminal case fails to appear as required, the court shall declare a forfeiture of the bail. The obligation of the defendant and any sureties may be enforced in such manner as the Supreme Judicial Court shall by rule provide and in accordance with section 224-A. The rules adopted by the Supreme Judicial Court must provide for notice to the defendant and any sureties of the consequences of failure to comply with the conditions of bail.

If the obligation of the defendant or any surety has been reduced to judgment pursuant to the Maine Rules of Criminal Procedure, Rule 46, the following provisions apply to the enforcement of the obligation.

**1. Execution.** The court shall issue an execution of the judgment once the judgment has become final by the expiration of the time for appeal, by dismissal of an appeal or on certificate of decision from the Supreme Judicial Court, unless the court that rendered judgment on the bail obligation has pursuant to rule ordered execution at an earlier time. The execution of the judgment is returnable within one year after issuance.

**2. Lien on real estate, personal property and motor vehicles.** An execution issued under this section creates the lien described in Title 14, section 4651-A, if properly filed according to that section. A filing or recording fee may not be charged for any execution issued under this section.

**3. Relation back of liens.** The effective date of any execution lien created on any property pursuant to this section and Title 14, section 4651-A relates back to the date when a bail lien, as described in section 1071, was first filed or recorded in the proper place for the perfection or attachment of the lien. The relation back applies only to that portion of the bail obligation that the bail lien secured when it was recorded or filed. The remainder of the execution lien and the full amount of any execution lien created when no bail lien was ever recorded or filed, is effective and perfected from the date of the recording or filing of the execution. Any lien created pursuant to this section and Title 14, section 4651-A continues as long as the judgment issued on the bail obligation or any part of the bail obligation, plus costs and interest, has not been paid, discharged or released.

**4. Enforcement.** The lien provided by this section may be enforced by a turnover or sale order pursuant to Title 14, section 3131.

**5. Application.** This section applies to all bail obligations in effect on or after October 1, 1991 and all bail liens recorded as of or after October 1, 1991.

See title page for effective date.

---



---

## CHAPTER 394

H.P. 969 - L.D. 1410

### An Act to Prevent Financial Gain by Convicted Drug Offenders

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

**17-A MRSA §1322, sub-§3, ¶D**, as amended by PL 1989, c. 872, §5 and c. 924, §13, is further amended to read:

D. "Property loss" means the value of property taken from the victim, or of property destroyed or otherwise broken or harmed. A property loss includes the value of taxes or other obligations due to the government that have not been paid. "Property loss" also includes, in cases involving a violation of chapter 45, the value of money or other consideration given or offered in exchange for scheduled drugs by a law enforcement officer or another at the direction of a law enforcement officer that are not, in fact, recovered by the State at the time of sentencing, regardless of whether other money or items of value are sought, acquired or forfeited pursuant to Title 15, chapter 515. In cases involving a violation of chapter 45, the court must make a finding that the property loss is specifically related to that case.

See title page for effective date.

---



---

## CHAPTER 395

H.P. 920 - L.D. 1317

### An Act to Revise the Law Protecting Farmers' Rights to Farm

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

**Sec. 1. 17 MRSA §2805, sub-§2**, as enacted by PL 1981, c. 472, is amended to read:

**2. Best management practices.** A farm or farm operation ~~shall~~ may not be considered a public or private nuisance if the farm or farm operation alleged to be a nuisance conforms to ~~generally accepted agricultural~~ best management practices, as determined by the Commissioner of Agriculture, Food and Rural Resources

in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

**Sec. 2. 17 MRSA §2805, sub-§4**, as enacted by PL 1981, c. 472, is repealed and the following enacted in its place:

**4. Application; municipal ordinances.** This section does not affect the application of state and federal laws. After the effective date of this subsection, a municipality must provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The clerk of the municipality or a municipal official designated by the clerk shall submit a copy of the proposed ordinance to the commissioner at least 90 days prior to the meeting of the legislative body or public hearing at which adoption of the ordinance will be considered. The commissioner shall review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. This subsection does not affect municipal authority to enact ordinances.

**Sec. 3. 17 MRSA §2805, sub-§§5 to 8** are enacted to read:

**5. Complaint resolution.** The commissioner shall investigate all complaints involving a farm or farm operation, including, but not limited to, complaints involving the use of waste products, ground and surface water pollution and insect infestations. If the commissioner finds upon investigation that the person responsible for the farm or farm operation is using best management practices, the commissioner shall notify that person and the complainant of this finding in writing. If the commissioner identifies the source or sources of the problem, has reason to believe that the source is a nuisance and finds that the nuisance is caused by the use of other than best management practices, the commissioner shall:

A. Determine the changes needed in the farm or farm operation to comply with best management practices;

B. Advise the person responsible for the farm or farm operation of the changes, as determined in paragraph A, that are necessary to conform with best management practices and determine subsequently if those changes are implemented; and

C. Give the findings of the initial investigation and subsequent investigations and any determination of compliance to the complainant and person responsible.

**6. Failure to adopt best management practices.** If the person responsible for the farm or farm operation does not adopt best management practices, the commissioner shall send a written report to an appropriate agency if a

federal or state law has been violated and may refer the matter to the Attorney General. The Attorney General may institute an action to abate a nuisance and the court may order the abatement with costs as provided under section 2702.

**7. Agricultural Complaint Response Fund.** There is established the nonlapsing Agricultural Complaint Response Fund. The commissioner may accept funds from any source designated to be placed in the fund. The commissioner may authorize expenses from the fund as necessary to investigate complaints involving a farm or farm operation and to abate conditions potentially resulting from farms or farm operations.

**8. Rules.** The commissioner shall adopt rules in accordance with the Maine Administrative Procedure Act to interpret and implement this section.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Agricultural Complaint Response Fund		
All Other	\$50,000	\$100,000
Provides funds for travel and monitorial expenses and for the cost of abating farming conditions that initiated complaint investigations.		

See title page for effective date.

## CHAPTER 396

S.P. 662 - L.D. 1738

### An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture

**Emergency preamble.** **Whereas**, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas**, delay in implementation of changes to the law will result in unnecessary burdens on the Maine State Board for Licensure of Architects and Landscape Architects to function independently and financially; and

**Whereas**, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,