

# MAINE STATE LEGISLATURE

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**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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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

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

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

**1991**

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with rulemaking and for evaluator services.

**Sec. 36. Effective dates.** That section of this Act that amends the Maine Revised Statutes, Title 32, section 6205 takes effect October 1, 1993. That section of this Act that amends Title 32, section 6213-A takes effect October 1, 1992. That section of this Act that amends Title 32, section 6214-A, subsections 1 and 2 takes effect October 1, 1996.

See title page for effective date, unless otherwise indicated.

## CHAPTER 457

S.P. 217 - L.D. 544

### An Act to Amend the Laws Governing Sexual Assault

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

**17-A MRSA §251, sub-§1, ¶E**, as enacted by PL 1981, c. 252, §1, is amended to read:

E. "Compulsion" means the use of physical force, a threat of to use physical force or a combination thereof which that makes a person unable to physically repel the actor or which produces in that person a reasonable fear that death, serious bodily injury or kidnapping might be imminently inflicted upon that person or upon another human being.

"Compulsion" as defined in this paragraph places no duty upon the victim to resist the actor.

See title page for effective date.

## CHAPTER 458

H.P. 462 - L.D. 653

### An Act Concerning Abandoned Property

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

**Sec. 1. 29 MRSA §2610, sub-§1**, as enacted by PL 1987, c. 598, §4, is repealed and the following enacted in its place:

**1. Application.** This section applies to a vehicle that is:

A. Towed at the request of the owner or driver;

B. Towed pursuant to section 1111;

C. Towed after being left on property without permission;

D. Left on property without the permission of the property owner or person in charge of the property or premises where the vehicle is located; or

E. Left at a place of business after being repaired pursuant to a written work order signed by the person requesting the repair work.

If a person abandons a vehicle described by this subsection, the owner of the premises or property where the vehicle is located may obtain a letter of ownership or a certificate of title by complying with this section. A vehicle is abandoned if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within 14 days of publication as required by subsection 2 or within 14 days of receipt of the notice required by subsection 3. A vehicle towed for snow removal purposes is exempt from this section for 48 hours immediately following completion of the tow.

**Sec. 2. 29 MRSA §2610, sub-§§2, 3 and 4**, as enacted by PL 1987, c. 598, §4, are amended to read:

**2. Owner and lienholder unknown.** If the owner of a vehicle described in subsection 1 is unknown, the owner of the premises or property where the vehicle is located shall inquire of the Secretary of State in writing whether the Secretary of State's records contain information as to the owner and lienholder, if any, of the vehicle. That inquiry ~~shall be made no later than 30 days after receipt of the vehicle and shall~~ must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. Upon receipt of the inquiry, the Secretary of State shall provide the holder of the vehicle with ~~any information on record as to~~ the name and address of the vehicle's owner and lienholder or shall state that no record of the vehicle is on file.

A. If the Secretary of State provides the name of the owner or lienholder, the holder of the vehicle shall comply with subsection 3.

B. If the Secretary of State finds no record of the vehicle, the owner of the premises or property where the vehicle ~~was brought or abandoned is located~~ shall publish, at least twice in a newspaper of general circulation in the county where the premises or property is located, a notice ~~which shall that~~ clearly describe describes the vehicle and state states that if the owner of the vehicle or lienholder has not properly ~~claimed~~ retrieved it and paid all reasonable ~~costs~~ and charges for its towing and storage within 14 days from the date of last publication, ownership of the vehicle ~~shall will~~ pass to the owner of the property or premises where the vehicle is located. The notice ~~shall must~~ clearly state how the owner of the premises or property may be contacted.

~~Removal of the vehicle or any part, accessory or personal item from the vehicle without the written consent of the owner or person in charge of the premises or property where the vehicle is located is a Class E crime.~~

**3. Owner or lienholder known.** If the owner or lienholder of a vehicle described in subsection 1 is known, the owner of the premises or property where the vehicle is located shall mail notice to the owner ~~and lienholder, if any.~~ If the lienholder is known, notice must also be sent to the lienholder. Such notice shall be mailed not later than 30 days after receipt of the vehicle if no repair work, garaging, storing or parking was authorized by the vehicle's owner or driver, or not later than 30 days following completion of any authorized repair work, garaging, storing or parking. The notice ~~shall~~ must clearly describe the vehicle and must give the vehicle's location ~~of the vehicle~~ and the storage fee, if any, and state that if the owner or lienholder has not properly ~~claimed~~ retrieved the vehicle and paid all reasonable ~~costs and~~ charges for its towing, storage and authorized repair work within 14 days of receipt of the notice, ownership of the vehicle ~~shall~~ will pass to the owner of the premises or property where the vehicle is located, as provided in subsection 4. The notice ~~shall~~ must be sent by certified mail, return receipt requested. If the notice is returned unclaimed or can not be delivered, the person required to give the notice shall comply with the publication requirements of subsection 2, paragraph B within 10 work days of the return of the notice.

**4. Evidence of compliance.** A person who has complied with subsection 2 or 3 ~~may~~ shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 30 days after the date on which the person first has possession and control over the vehicle. The Secretary of State shall, upon being satisfied that the person has notified or has attempted to notify all parties with an interest in the vehicle, may issue certificates of title or letters of ownership as follows.

A. For vehicles not required to be titled, upon presentation of sufficient evidence and payment of a \$5 fee, the Secretary of State may issue a letter of ownership indicating compliance with subsection 2 or 3.

B. For vehicles subject to chapter 21, upon presentation of sufficient evidence and application for certificate of title in accordance with section 2364, and payment ~~for a~~ of the fee set forth in section 2352, the Secretary of State may issue a certificate of title in accordance with chapter 21.

If the owner or lienholder of the vehicle retrieves it and pays the towing, storage and repair charges before the Secretary of State issues a letter of ownership or certificate of title, the person holding the vehicle must immediately release it to the person paying the charges and must immediately notify the Secretary of State of the release.

**Sec. 3. 29 MRSA §2610, sub-§5,** as enacted by PL 1987, c. 598, §4, is repealed and the following enacted in its place:

**5. Limits.** If the inquiry to the Secretary of State required by subsection 2 or the notice required by subsection 3 is made more than 30 days after receipt of a vehicle described in subsection 1, the person holding the vehicle may not collect more than 30 days of storage fees.

**Sec. 4. 29 MRSA §2610, sub-§7** is enacted to read:

**7. Removal of vehicle.** Removal of a vehicle described in subsection 1 or of any part or accessory from the vehicle without the written consent of the owner or person in charge of the premises or property where the vehicle is located is a Class E crime. This subsection applies to all persons, including the owner of the vehicle.

See title page for effective date.

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## CHAPTER 459

S.P. 653 - L.D. 1720

### An Act to Create a Single Uniform Summons and Complaint That Must Be Used by All Law Enforcement Agencies in the State

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

Whereas, the District Court is running out of its present supply of Uniform Traffic Ticket and Complaint forms and is ordering the printing of a new supply, which, in contemplation of this Act, is cocaptioned Uniform Summons and Complaint so that law enforcement officers will be using the new summons forms as a traffic ticket well before the effective date of this Act if enacted as nonemergency legislation; and

Whereas, substantial confusion for both the District Courts and law enforcement officers will be avoided if law enforcement officers use the new Uniform Summons and Complaint for all offenses and not just as a traffic ticket when the existing supply runs out; 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,

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