

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

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Chapters 1 - 590

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

~~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.

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 captioned 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:

Sec. 1. 12 MRSA §6208, as amended by PL 1987, c. 513, §3, is further amended to read:

§6208. Marine resources' citation form

1. Form. ~~The commissioner may establish citation forms for use by the Bureau of Marine Patrol. These forms, if established, shall be uniform throughout the State and shall be issued in books with citations in not less than quadruplicate. When the form requires a signature by a person upon whom the citation is served, the form shall include a statement that signing the citation does not constitute an admission of guilt and that failure to sign constitutes a separate offense which is a Class E crime. The form shall be approved by the Chief Judge of the District Court prior to its use. The commissioner shall designate the Uniform Summons and Complaint as the citation form to be used by the Bureau of Marine Patrol, except that the commissioner may permit the use of any citation forms approved by the Chief Judge of the District Court before May 1, 1991 that are in current stock as of May 1, 1991 until those stocks are depleted.~~

2. Responsibility for issuance and disposition. Responsibility for issuance and disposition shall be is as follows.

A. ~~The commissioner shall be~~ is responsible for all marine resources' citation forms approved by the Chief Judge of the District Court prior to May 1, 1991. The Department of Public Safety is responsible for all Uniform Summons and Complaint forms issued by the Bureau of Marine Patrol. The commissioner or the commissioner's designee is responsible for the further issuance of Uniform Summons and Complaint books to individual law enforcement officers and the proper disposition of those books.

B. ~~The commissioner may in his discretion provide books to other law enforcement agencies and officers listed in section 6025, subsection 5 for their use in the enforcement of chapters 601 to 627. The commissioner may not require other agencies to use this form.~~

3. Illegal disposition; prohibited act. It is unlawful and official misconduct for any marine patrol officer or other public employee to dispose of an official citation form or Uniform Summons and Complaint, except in accordance with law and as provided for in any applicable official policy or procedure of the Bureau of Marine Patrol.

4. When a lawful complaint. If the citation provided for in this section or a Uniform Summons and Complaint is duly sworn to as required by law and otherwise ~~satisfies the requirements of the general laws of this State, legally sufficient~~ in respect to the form of a complaint and charges charging an offense, it may be

filed in a court having jurisdiction and ~~shall constitute~~ constitutes a lawful complaint for the purpose of the commencement of any criminal prosecution or civil violation proceeding.

5. When a lawful summons. A citation, as provided for in this section or a Uniform Summons and Complaint, when served upon a person by a law enforcement officer, ~~shall act~~ acts as a summons to appear in court or, if a civil violation is charged, to otherwise respond in accordance with law on or before the date specified in this citation the summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date specified in the summons commits a Class E crime. Upon that person's failure to appear or to respond in accordance with law, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or to respond resulted from just cause.

6. Refusal to sign; prohibited act. ~~No~~ Any person ~~may refuse~~ who refuses to sign a citation or Uniform Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime.

Sec. 2. 12 MRSA §7911, as enacted by PL 1983, c. 765, is amended to read:

§7911. Fish and wildlife citation form

1. Form. ~~The commissioner may establish citation forms for use by the warden service. These forms, if established, shall be uniform throughout the State and shall be issued in books with citations in not less than quadruplicate. When the form requires a signature by a person upon whom the citation is served, the form shall include a statement that signing the citation does not constitute an admission of guilt and that failure to sign will constitute a separate offense which is a Class E crime. The form shall be approved by the Chief Judge of the District Court prior to its use. The commissioner shall designate the Uniform Summons and Complaint as the citation form to be used by the warden service, except that the commissioner may permit the use of any citation forms approved by the Chief Judge of the District Court before May 1, 1991 that are in current stock as of May 1, 1991 until those stocks are depleted.~~

2. Responsibility for issuance and disposition. Responsibility for issuance and disposition is as follows.

A. ~~The commissioner shall be~~ is responsible for all fish and wildlife citation forms approved by the Chief Judge of the District Court prior to May 1, 1991. The Department of Public Safety is responsible for all Uniform Summons and Complaints issued to the warden service. The commissioner or the commissioner's designee is responsible for the fur-

ther issuance of Uniform Summons and Complaint books to individual wardens and for the proper disposition of those books.

~~B. The commissioner may in his discretion provide books to other law enforcement agencies and officers listed in section 7055 for their use in the enforcement of chapters 701 to 721. The commissioner may not require other agencies to use this form.~~

3. Illegal disposition; prohibited act. It is unlawful and official misconduct for any warden or other public employee to dispose of an official citation form or Uniform Summons and Complaint, except in accordance with law and as provided for in any applicable official policy or procedure of the Warden Service Division.

4. When a lawful complaint. If the citation provided for in this section or a Uniform Summons and Complaint is duly sworn to as required by law and otherwise ~~satisfies the requirements of the general laws of this State~~, legally sufficient in respect to the form of a complaint and charges charging an offense, it may be filed in a court having jurisdiction and ~~shall constitute~~ constitutes a lawful complaint for the purpose of the commencement of any criminal prosecution or civil violation proceeding.

5. When a lawful summons. A citation, as provided for in this section or a Uniform Summons and Complaint, when served upon a person by a law enforcement officer, ~~shall act~~ acts as a summons to appear in court or, ~~if a civil violation is charged~~, to otherwise respond in accordance with law on or before the date specified in the ~~citation~~ summons. Any person who fails to appear in court as directed by the summons or to otherwise respond in accordance with law on or before the date specified in the summons commits a Class E crime. Upon that person's failure to appear or respond in accordance with law, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.

6. Refusal to sign; prohibited act. ~~No~~ Any person may refuse who refuses to sign a citation or Uniform Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime.

Sec. 3. 12 MRSA §8907, as enacted by PL 1989, c. 174, §3, is repealed and the following enacted in its place:

§8907. Forest service citation form

1. Form. The Director of the Bureau of Forestry, referred to in this section as the "director," shall designate the Uniform Summons and Complaint as the citation form to be used by the Maine Forest Service,

except that the director may permit the use of any citation forms approved by the Chief Judge of the District Court before May 1, 1991 that are in current stock as of May 1, 1991 until those stocks are depleted.

2. Citation books. The director is responsible for any forms approved by the Chief Judge of the District Court prior to May 1, 1991. The director may provide citation books to other law enforcement agencies and officers for their use in the enforcement of chapters 807 and 809. The director may not require other agencies to use this form. The Department of Public Safety is responsible for all Uniform Summons and Complaints issued to the Maine Forest Service. The director or the director's designee is responsible for the further issuance of Uniform Summons and Complaint books to individual law enforcement officers and for the proper disposition of those books.

3. Disposition; prohibited act. It is unlawful and official misconduct for any forest ranger or other public employee to dispose of an official citation form or Uniform Summons and Complaint except in accordance with law and as provided for in an applicable official policy or procedure of the Maine Forest Service.

4. Lawful complaint. A Maine Forest Service citation form or a Uniform Summons and Complaint may be filed in a court having jurisdiction and constitutes a lawful complaint to commence any criminal prosecution or civil violation proceeding if the form or Uniform Summons and Complaint is duly sworn to as required by law and otherwise legally sufficient in respect to the form of a complaint and charging an offense.

5. Lawful summons. A Maine Forest Service citation or a Uniform Summons and Complaint, when served upon a person by a law enforcement officer, functions as a summons to appear in court. Any person who fails to appear in court after having been served with a summons commits a Class E crime. Upon that person's failure to appear, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear resulted from just cause.

6. Refusal to sign; prohibited act. Any person who refuses to sign a citation or a Uniform Summons and Complaint after having been ordered to do so by a law enforcement officer commits a Class E crime.

Sec. 4. 17-A MRSA §15-A, as enacted by PL 1987, c. 375, is amended to read:

§15-A. Issuance of summons for criminal offense

1. A law enforcement officer who has probable cause to believe a crime has been or is being committed by a person may deliver issue or have delivered a written summons to that person directing him that person to appear in the District Court to answer the allegation that he the person has committed the crime. The sum-

mons ~~shall~~ must include the signature of the officer, a brief description of the alleged crime, the time and place of the alleged crime and the time, place and date the person is to appear in court. The form used must be the Uniform Summons and Complaint, except that, if the agency by whom the officer is employed has on May 1, 1991 current stocks of forms that the agency is authorized to use, the agency may permit officers to use those forms until those stocks are depleted. A person ~~who is issued to whom~~ a summons ~~shall~~ is issued or delivered must give a written promise to the ~~issuing officer~~ to appear. If the person refuses to sign the summons after having been ordered to do so by a law enforcement officer, the person commits a Class E crime. As soon as practicable after service of the summons, the officer shall cause a copy of the summons to be filed with the court.

2. Any person who a law enforcement officer has probable cause to believe has committed or is committing a crime other than one listed under section 15, subsection 1, paragraph A, and to whom a law enforcement officer is authorized to deliver a summons pursuant to subsection 1, who intentionally fails or refuses to provide to that officer reasonably credible evidence of ~~his~~ that person's name and address ~~is guilty of~~ commits a Class E crime, provided that ~~he~~ the person persists in the failure or refusal after having been informed by the officer of the provisions of this subsection. If that person furnishes the officer evidence of ~~his~~ the person's name and address and the evidence does not appear to be reasonably credible, the officer shall attempt to verify the evidence as quickly as is reasonably possible. During the period the verification is being attempted, the officer may require the person to remain in ~~his~~ the officer's presence for a period not to exceed 2 hours. During this period, if the officer reasonably believes that ~~his~~ the officer's safety or the safety of others ~~then~~ present ~~so~~ requires, ~~he~~ the officer may search for any dangerous weapon by an external patting of that person's outer clothing. If in the course of the search ~~he~~ the officer feels an object ~~which he~~ that the officer reasonably believes to be a dangerous weapon, ~~he~~ the officer may take such action as is necessary to examine the object, but ~~he~~ may take permanent possession of ~~any such~~ the object only if it is subject to forfeiture. The requirement that the person remain in the presence of the officer ~~shall~~ does not be deemed constitute an arrest. After informing that person of the provisions of this subsection, the officer may arrest the person either if the person intentionally refuses to furnish any evidence of ~~his~~ that person's name and address or if, after attempting to verify the evidence as provided for in this subsection, the officer has probable cause to believe that the person has intentionally failed to provide reasonably credible evidence of ~~his~~ the person's name and address.

3. If, at ~~anytime~~ any time subsequent to an arrest made pursuant to subsection 2, it appears that the evidence of the person's name and address was accurate, ~~he shall~~ the person must be released from custody and any record of that custody ~~shall~~ must show ~~he~~ that the

person was released for that reason. If, upon trial for violating subsection 2, a person is acquitted on the ground that the evidence of ~~his~~ the person's name and address was accurate, the record of acquittal ~~shall~~ must show that that was the ground.

4. Any person who fails to appear in court; as directed by a summons served on ~~him~~ that person pursuant to subsection 1, ~~is guilty of or to otherwise respond in accordance with law on or before the date specified in the summons~~ commits a Class E crime. Upon that person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear ~~was neither intentional nor knowing~~ or respond resulted from just cause.

Sec. 5. 17-A MRSA §17, as amended by PL 1985, c. 506, Pt. B, §§12 and 13, is further amended to read:

§17. Enforcement of civil violations

1. A law enforcement officer who has probable cause to believe that a civil violation has been committed ~~shall deliver a citation by a person~~ must issue or have delivered a written summons to ~~such~~ that person directing ~~him~~ the person to appear in the District Court to answer the allegation that ~~he~~ the person has committed the violation. The citation shall summons must include the signature of the officer, a brief description of the alleged violation, the time and place of the alleged violation and the time, place and date the person is to appear in court. The form used must be the Uniform Summons and Complaint, except that, if the agency by whom the officer is employed has on May 1, 1991 current stocks of forms that the agency is authorized to use, the agency may permit officers to use those forms until those stocks are depleted. A person to whom a summons is issued or delivered must give a written promise to appear. If the person refuses to sign the summons after having been ordered to do so by a law enforcement officer, the person commits a Class E crime. The law enforcement officer may not order a person to sign the summons for a civil violation unless the civil violation is an offense defined in Title 12 or Title 29. As soon as practicable after service of the citation summons, the officer shall cause a copy ~~thereof~~ of the summons to be filed with the court. ~~Upon a failure to appear, the court may issue a warrant of arrest.~~

2. Any person to whom a law enforcement officer is authorized to issue or deliver a citation summons pursuant to subsection 1 who intentionally fails or refuses to provide ~~such~~ the officer reasonably credible evidence of ~~his~~ the person's name and address ~~is guilty of~~ commits a Class E crime, provided that ~~he~~ the person persists in ~~such~~ that failure or refusal after having been informed by the officer of the provisions of this subsection. If ~~such~~ the person furnishes the officer evidence

of ~~his~~ that person's name and address and the evidence does not appear to be reasonably credible, the officer shall attempt to verify the evidence as quickly as is reasonably possible. During the period ~~such~~ that verification is being attempted, the officer may require the person to remain in ~~his~~ the officer's presence for a period not to exceed 2 hours. During this period, if the officer reasonably believes that ~~his~~ the officer's safety or the safety of others ~~then~~ present so requires, ~~he~~ the officer may search for any dangerous weapon by an external patting of ~~such~~ the person's outer clothing. If in the course of ~~such~~ the search ~~he~~ the officer feels an object ~~which he~~ that the officer reasonably believes to be a dangerous weapon, ~~he~~ the officer may take such action as is necessary to examine ~~such~~ the object, but ~~he~~ may take permanent possession of ~~any such~~ the object only if it is subject to forfeiture. The requirement that the person remain in the presence of the officer ~~shall~~ does not ~~be deemed~~ constitute an arrest.

After informing the person of the provisions of this subsection, the officer may arrest the person either if the person intentionally refuses to furnish any evidence of ~~his~~ that person's name and address or if, after attempting to verify the evidence as provided for in this subsection, the officer has probable cause to believe that the person has intentionally failed to provide reasonably credible evidence of ~~his~~ the person's name and address.

3. If, at any time subsequent to an arrest made pursuant to subsection 2, it appears that the evidence of the person's name and address was accurate, ~~he shall~~ the person must be released from custody and any record of ~~such~~ that custody ~~shall~~ must show that ~~he~~ the person was released for that reason. If, upon trial for violating subsection 2, a person is acquitted on the ground that the evidence of ~~his~~ the person's name and address was accurate, the record of acquittal ~~shall~~ must show that ~~such~~ that was the ground.

4. Any person who fails to appear in court, as directed by a ~~citation~~ summons served on ~~him~~ that person pursuant to subsection 1, ~~is guilty of or to otherwise respond in accordance with law on or before the date specified in the summons commits~~ a Class E crime. Upon that person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear ~~was neither intentional nor knowing or~~ responded resulted from just cause.

Sec. 6. 29 MRSA §2300, as amended by PL 1991, c. 56, is further amended to read:

§2300. Uniform Summons and Complaint

1. **Form.** Every Except as provided in subsection 1-A, every law enforcement agency in this State shall use traffic ~~citations~~ summonses in the form known as the Uniform ~~Traffic Ticket~~ Summons and Complaint,

which ~~shall~~ must be uniform throughout the State and ~~which shall~~ must be issued in books with ~~citations~~ summonses in no less than quadruplicate and meeting the requirements of this chapter. The Uniform Summons and Complaint must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the time, place and date the person is to appear in court. The Uniform Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. A person to whom a Uniform Summons and Complaint is issued or delivered must give a written promise to appear. The form of the Uniform Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

1-A. Exception for certain forms. Law enforcement agencies may use current stocks of Uniform Traffic Ticket and Complaint forms until those stocks are depleted.

2. **Responsibility for issuance and disposition.**

A. The District Court ~~shall be~~ is responsible for all Uniform Traffic Tickets and Complaints issued to law enforcement agencies or others. The Department of Public Safety is responsible for all Uniform Summons and Complaints issued to law enforcement agencies for others.

B. The chief executive officer of every such law enforcement agency or ~~his~~ that chief executive officer's designate ~~shall be~~ is responsible for the further issuance of ~~such~~ books to individual law enforcement officers and for ~~their~~ the proper disposition of those books.

3. **Illegal disposition.** It ~~shall be~~ is unlawful and official misconduct for any law enforcement officer or other officer or public employee to dispose of a Uniform Traffic Ticket and Complaint or a Uniform Summons and Complaint or any portion thereof of either or of the record of the issuance thereof of a Uniform Traffic Ticket and Complaint or a Uniform Summons and Complaint in a manner other than as required under rules or regulations promulgated adopted pursuant to this section. Any person who solicits or aids in the disposition, or attempted disposition, of a Uniform Traffic Ticket and Complaint or a Uniform Summons and Complaint or any portion thereof of either in any unauthorized manner ~~shall be guilty of~~ commits a misdemeanor Class E crime.

3-A. **Uniform Summons and Complaint as summons.** A Uniform ~~Traffic Ticket~~ Summons and Complaint or a Uniform Traffic Ticket and Complaint, as authorized under subsection 1-A, when served upon is-

sued or delivered to a person by a law enforcement officer, shall act as a summons to appear in court, on the date specified in the ticket, for a violation of any provision of this Title summons or ticket or to otherwise respond in accordance with law on or before the date specified in the summons or ticket. Any person who fails to appear in court as directed by the summons or ticket or to otherwise respond in accordance with law on or before the date specified in the summons or ticket commits a Class E crime. Upon the person's failure to appear or respond, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear or respond resulted from just cause.

4. When a lawful complaint. In the event that If the traffic citation summons or ticket provided under this section includes information and is duly sworn to as required under the general laws of this State by law and otherwise legally sufficient in respect to the form of a complaint and charging commission of the offense alleged in said citation the summons or ticket to have been committed, then such citation the summons or ticket when filed with a court having jurisdiction shall be deemed constitutes a lawful complaint for the purpose of the commencement of any traffic infraction proceeding or the prosecution of a misdemeanor, Class D or Class E crime under this Title.

4-A. Responsibility of law enforcement officer to file Uniform Traffic Ticket and Complaint or Uniform Summons and Complaint with District Court. Every law enforcement officer issuing a Uniform Traffic Ticket and Complaint or Uniform Summons and Complaint that charges the commission of an offense shall file the original of the Uniform Traffic Ticket and Complaint or Uniform Summons and Complaint with the District Court having jurisdiction over the offense or in such other location as instructed by the Chief Judge of the District Court without undue delay and, in any event, within 5 days after the issuance of the Uniform Traffic Ticket and Complaint or Uniform Summons and Complaint.

5. Refusal to sign. Any person who refuses to sign such a Uniform Traffic Ticket Summons and Complaint or a Uniform Traffic Ticket and Complaint, as provided under subsection 1-A, after having been ordered to do so by a law enforcement officer shall be guilty of commits a misdemeanor Class E crime. A law enforcement officer may not order a person to sign the summons for a civil violation unless the civil violation is an offense defined in Title 12 or Title 29.

Sec. 7. 29 MRSA §2301-A, first ¶, as amended by PL 1987, c. 575, is further amended to read:

If a person fails to appear in court on the day specified in response to a Uniform Traffic Ticket Summons and Complaint, a Uniform Traffic Ticket and Complaint as provided under section 2300, subsection 1-A, a summons, a condition of bail or order of court for any

violation of Title 23, section 1980; Title 28-A, section 2052; or any provision of this Title, or for any further appearance ordered by the court, including one for the payment of a fine, either in person or by counsel, the court shall suspend his the person's license or permit, his the right to operate motor vehicles in this State and the right to apply for or obtain a license.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective June 21, 1991.

CHAPTER 460

S.P. 557 - L.D. 1461

An Act Relating to the Notice of Claim Provisions of the Maine Tort Claims Act

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

14 MRSA §8107, sub-§5 is enacted to read:

5. Definition of good cause. "Good cause" as used in subsection 1 includes but is not limited to any cases in which any official of the governmental entity whose duties and authority include the settlement of tort claims or any tort liability insurer of the governmental entity makes direct oral or written contacts with the claimant or the claimant's personal representative or attorney, including payments to or on behalf of the claimant, that contain or imply a promise of coverage sufficient to cause a reasonable person to believe that the losses for which no timely notice claim is filed would be covered.

If oral or written contact is limited to coverage for specific injuries or damage, a claimant is not excused from filing the notice required by this section in relation to other claims or causes of action permitted by this chapter that arise out of the same incident or event.

Nothing in this subsection prevents the injured party and an agent or insurer of the governmental entity from entering into a consensual agreement pursuant to which the injured party releases the governmental entity from any further liability in exchange for an agreed upon consideration.

See title page for effective date.

CHAPTER 461

H.P. 1043 - L.D. 1516

An Act to Clarify Statutory Provisions Relating to Asset Forfeiture