

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 electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

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

Effective May 3, 1995.

CHAPTER 60

H.P. 256 - L.D. 358

An Act to Require the Use of the Process of Forcible Entry and Detainer in Eviction of Mobile Home Owners and Tenants

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

Sec. 1. 10 MRSA §9097-B is enacted to read:

§9097-B. Entry and detainer

Process of forcible entry and detainer pursuant to Title 14, chapter 709 must be used in mobile home evictions.

Sec. 2. 14 MRSA §6001, sub-§1, as enacted by PL 1981, c. 428, §1, is amended to read:

1. Persons against whom process may be maintained. Process of forcible entry and detainer may be maintained against a disseisor who has not acquired any claim by possession and improvement; against a tenant holding under a written lease or contract or person holding under such a tenant; against a tenant where the occupancy of the premises is incidental to the employment of a tenant; at the expiration or forfeiture of the term, without notice, if commenced within 7 days from the expiration or forfeiture of the term; ~~and~~ against a tenant at will, whose tenancy has been terminated as provided in section 6002; and against mobile home owners and tenants pursuant to Title 10, chapter 951, subchapter VI.

See title page for effective date.

CHAPTER 61

H.P. 377 - L.D. 512

An Act to Amend the Limitation on Damages in State Tort Claims Actions to Allow for the Accrual of Post-judgment Interest

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

Sec. 1. 14 MRSA §8105, sub-§2, as repealed and replaced by PL 1977, c. 78, §113, is amended to read:

2. Costs. Court costs, prejudgment interest and all other costs ~~which that~~ a court may assess shall must be included within the damage limit specified by this section. Accrued post-judgment interest may not be included within the damage limit.

See title page for effective date.

CHAPTER 62

H.P. 305 - L.D. 409

An Act to Continue Requiring Probable Cause before the Exercise of Protective Custody

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

Sec. 1. 34-B MRSA §3862, sub-§1, as amended by PL 1993, c. 596, §1, is further amended to read:

1. Law enforcement officer's power. If a law enforcement officer has reasonable grounds to believe, based upon probable cause, that a person may be mentally ill and that due to that condition the person presents a threat of imminent and substantial physical harm to that person or to other persons, the law enforcement officer:

- A. May take the person into protective custody; and
- B. If the officer does take the person into protective custody, shall deliver the person immediately for examination by an available licensed physician or licensed clinical psychologist, as provided in section 3863.

~~This subsection is repealed October 1, 1995.~~

Sec. 2. 34-B MRSA §3862, sub-§1-A, as enacted by PL 1993, c. 596, §2 and affected by §4, is repealed.

Sec. 3. 34-B MRSA §3863, sub-§3, ¶C, as enacted by PL 1993, c. 596, §3, is amended to read:

C. Notwithstanding paragraph B, subparagraphs (1) and (2), a person sought to be admitted informally under section 3831 or involuntarily under this section may be held for evaluation and treatment at a hospital pending judicial endorsement of the application and certificate if the endorsement is obtained between the soonest available hours of 7:00 a.m. and 11:00 p.m. :

This paragraph is repealed October 1, ~~1995~~
1997.

See title page for effective date.

CHAPTER 63

H.P. 381 - L.D. 516

An Act Concerning the Liability of Corporate Clerks

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

Sec. 1. 13-A MRSA §714, sub-§1, as
enacted by PL 1971, c. 439, §1, is amended to read:

1. The officers of a corporation ~~shall~~ consist of a president, a treasurer, ~~a clerk~~ and, if the bylaws so provide, one or more vice-presidents; and ~~such~~ other officers ~~as are~~ selected pursuant to subsection 5. The clerk of a corporation is not an officer, but performs the functions provided in this Act.

Sec. 2. 13-A MRSA §714, sub-§11, ¶F, as
enacted by PL 1971, c. 439, §1, is repealed.

Sec. 3. 13-A MRSA §714, sub-§11-A is
enacted to read:

11-A. The duties of the clerk are ministerial only and the clerk is not liable in that capacity for any liabilities of the corporation, including, without limitation, debts, claims, taxes, fines or penalties.

See title page for effective date.

CHAPTER 64

S.P. 219 - L.D. 561

An Act to Allow County Commissioners to Perform Routine Road Maintenance without Permission from the Maine Land Use Regulation Commission

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

Sec. 1. 12 MRSA §685-A, sub-§5, as
amended by PL 1985, c. 70, §1, is further amended to read:

5. **Considerations, application and exemp-
tions.** ~~No~~ A land use standard ~~shall may not~~ deprive
~~any an~~ owner or lessee or subsequent owner or lessee
of any interest in real estate of the use to which it is

lawfully devoted at the time of adoption of ~~said that~~
standard. Year-round and seasonal single residences
and operating farms in existence and use as of
September 23, 1971, while so used, and new accessory
buildings or structures or renovations of ~~such the~~
buildings or structures ~~which that~~ are or may be
necessary to the satisfactory and comfortable con-
tinuation of these residential and farm uses ~~shall be are~~
exempt from the requirements of section 685-B,
subsection 1.

Land use standards adopted pursuant to this chapter
for management districts ~~shall may~~ in no way limit the
right, method or manner of cutting or removing timber
or crops, the construction and maintenance of hauling
roads, the operation of machinery or the erection of
buildings and other structures used primarily for
agricultural or commercial forest product purposes,
including tree farms. Notwithstanding this subsection,
a permit from the commission ~~shall be is~~ required for
roads covering a ground area of 3 acres or more
constructed in management districts, unless those
roads are constructed and maintained in accordance
with the guidelines of the commission's Land Use
Handbook, Section 6, "Erosion Control on Logging
Jobs," or as revised. The commission may require a
person constructing a road to notify the commission of
the location of the road within 21 days.

In adopting district boundaries and land use standards,
the commission shall give consideration to public and
private planning reports and other data available to it,
and shall give weight to existing uses of land and to
any reasonable plan of its owner as to its future use.

A permit from the commission is not required for the
repair or maintenance of county-owned roads, bridges
or culverts as long as the repair or maintenance is
conducted in accordance with commission standards
that pertain to these activities.

See title page for effective date.

CHAPTER 65

H.P. 183 - L.D. 231

An Act to Correct Errors and Inconsistencies Related to the Recodification of the Maine Revised Statutes, Title 29

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

Whereas, in Public Law 1993, chapter 683 the
Legislature enacted a recodification of the Maine
Revised Statutes, Title 29, which takes effect January
1, 1995; and