

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

vehicle on request or signal of a uniformed law enforcement officer.

3. Eluding an officer. A person commits a Class C crime if that person, after being requested or signaled to stop, attempts to elude a law enforcement officer by operating a motor vehicle at a reckless rate of speed that results in a high-speed chase between the operator's motor vehicle and a law enforcement vehicle using a blue light and siren.

Sec. C-13. 29-A MRSA §2557, sub-§1, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

D. Is a person to whom written notice was sent in accordance with section ~~2458~~ 2482 or former Title 29, section 2241, subsection 4.

Sec. C-14. 29-A MRSA §2557, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if:

(1) The person has no conviction for operating after revocation under this section or under former Title 29, section 2298 within the previous 5 years; and

(2) The person has no conviction for violating section 2411 or former Title 29, section 1312-B within the previous 5 years; and

B. A Class C crime if:

(1) The person has one or more convictions for operating after revocation under this section or under former Title 29, section 2298 within the previous 5 years; or

(2) The person has one or more convictions for violating section 2411 or former Title 29, section 1312-B within the previous 5 years.

The Secretary of State may not grant relief from habitual offender status under section 2554 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

Sec. C-15. Retroactivity. This Act applies retroactively to January 1, 1995.

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

See title page for effective date.

CHAPTER 66

H.P. 158 - L.D. 205

An Act to Amend Provisions of Law Voiding a Lease for Premises Defined as a Common Nuisance

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

Sec. 1. 14 MRSA §6014, sub-§1, as enacted by PL 1981, c. 428, §8, is amended to read:

1. Illegal evictions. ~~Evictions which~~ Except as permitted by Title 15, chapter 517 or Title 17, chapter 91, evictions that are effected without resort to the provisions of this chapter are illegal and against public policy. Illegal evictions include, but are not limited to, the following.

A. No landlord may willfully cause, directly or indirectly, the interruption or termination of any utility service being supplied to the tenant including, but not limited to, water, heat, light, electricity, gas, telephone, sewerage, elevator or refrigeration, whether or not the utility service is under the control of the landlord, except for such temporary interruption as may be necessary while actual repairs are in process or during temporary emergencies.

B. No landlord may willfully seize, hold or otherwise directly or indirectly deny a tenant access to and possession of the tenant's rented or leased premises, other than through proper judicial process.

C. No landlord may willfully seize, hold or otherwise directly or indirectly deny a tenant access to and possession of the tenant's property, other than by proper judicial process.

Sec. 2. 17 MRSA §2741, first ¶, as amended by PL 1993, c. 98, §1, is further amended to read:

All places used as houses of ill fame or for the illegal sale or keeping of intoxicating liquors or scheduled drugs, or resorted to for lewdness or gambling; all houses, shops or places where intoxicating liquors are sold for tipping purposes; and all places of resort where intoxicating liquors are kept, sold, given away, drunk or dispensed in any manner not provided for by law are common nuisances. The

Superior Court has jurisdiction, upon information filed by the Attorney General or the district attorney or upon complaint filed by not less than 7 legal voters of that county setting forth any of the facts contained in this section, to restrain, enjoin or abate the same, and an injunction for ~~such purpose~~ those purposes may be issued by the court. ~~Such an injunction forever runs against the building or other place or structure while titled in the name of the same owner under which the nuisance was initially enjoined. The injunction ceases to run against the building or other place or structure upon transfer of ownership to a bona fide purchaser. Following the issuance of such an injunction, if the Attorney General or district attorney has reasonable grounds to question whether a transfer of ownership is to a bona fide purchaser, the Attorney General or district attorney, within one year from the date of transfer of ownership, shall move the court to reinstate the injunction against the title of the new owner. The injunction or order to restrain, enjoin or abate the common nuisance forever runs against the building or other place or structure, except that, upon motion of an owner filed not sooner than 6 months from the date of the injunction or order, the Superior Court may remove or modify the injunction or order upon a showing by the owner, by a preponderance of evidence, that the nuisance has abated. No dismissal of such information or complaint may prevent action upon any information or complaint subsequently filed covering the same subject matter.~~

Sec. 3. 17 MRSA §2742, as amended by PL 1991, c. 797, §4, is further amended to read:

§2742. Penalties

~~Whoever keeps or maintains such nuisance keeps, allows or maintains any building, place or structure declared by the Superior Court to be a common nuisance upon the filing of information pursuant to section 2741 commits a Class E crime. Default in payment of a fine imposed under this section is a separate Class E crime.~~

Sec. 4. 17 MRSA §2743 is amended to read:

§2743. Lease void; remedy of owner

~~If any tenant or occupant, under any lawful title, of any building or tenement not owned by him the tenant or occupant uses ~~it~~ the building or tenement or any part thereof of the building or tenement for any purpose named in section 2741, he the tenant or occupant forfeits his right thereto all rights to the building or tenement, and the owner thereof may make immediate entry, without process of law, or may avail himself of the remedy provided in Title 14, chapter 709 of the building or tenement upon the commencement of an action under Title 14, chapter 709 may seek any remedy provided by chapter 709 or upon a declaration of a common nuisance by the~~

Superior Court upon the filing of information by the Attorney General, the district attorney or a prosecuting attorney assigned pursuant to Title 25, section 2955 may make immediate entry and take possession without further process of law or as otherwise ordered by the Superior Court.

Sec. 5. 17 MRSA §2744, as amended by PL 1991, c. 797, §4, is repealed.

See title page for effective date.

CHAPTER 67

H.P. 28 - L.D. 22

An Act to Decrease the Minimum Required Amount of Liability Insurance for Certain Intrastate Vehicles

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

Whereas, current liability requirements are cost prohibitive for many users of explosives; and

Whereas, the construction season will soon begin; 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. 25 MRSA §2110 is enacted to read:

§2110. Financial responsibility

1. Requirement. A person who transports a division 1.1, 1.2 or 1.3 explosive intrastate in a vehicle with a gross vehicle weight rating of less than 10,000 pounds shall maintain a financial responsibility policy of liability insurance or a surety bond in an amount of not less than \$1,000,000. The Commissioner of Public Safety may not adopt a rule requiring a person transporting a division 1.1, 1.2 or 1.3 explosive intrastate in a vehicle with a gross vehicle weight rating of less than 10,000 pounds to maintain a financial responsibility policy of liability insurance or a surety bond in excess of \$1,000,000.

For purposes of this section, division 1.1, 1.2 and 1.3 explosives have the same meanings as found in 49 Code of Federal Regulations, Part 173.50.