

MAINE STATE LEGISLATURE

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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

Sec. 5. 5 MRSA §4654, sub-§4, ¶¶A and B, as enacted by PL 1987, c. 515, §1, are amended to read:

A. Imposing any restraint upon the person or liberty of the plaintiff or the plaintiff's employees;

B. Threatening, assaulting, molesting, harassing or otherwise disturbing the peace of the plaintiff or the plaintiff's employees;

Sec. 6. 5 MRSA §4654, sub-§4, ¶C, as repealed and replaced by PL 1993, c. 680, Pt. A, §10, is amended to read:

C. Entering the plaintiff's residence or property, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;

Sec. 7. 5 MRSA §4655, sub-§1, ¶A, as amended by PL 1987, c. 708, §5, is further amended to read:

A. Directing the defendant to refrain from harassing, threatening, assaulting, molesting, attacking or otherwise abusing the plaintiff or the plaintiff's employees;

Sec. 8. 5 MRSA §4655, sub-§1, ¶B, as amended by PL 1993, c. 199, §6, is further amended to read:

B. Directing the defendant to refrain from going on the premises of the plaintiff's residence or property, provided that the court may not use this subsection to evict a defendant from the rental premises in an action brought by a plaintiff;

Sec. 9. 5 MRSA §4655, sub-§1, ¶D, as amended by PL 1993, c. 475, §2, is further amended to read:

D. Ordering payment of monetary compensation to the plaintiff for losses suffered as a direct result of the harassment. Compensatory losses are limited to loss of earnings or support; reasonable expenses incurred for safety protection; reasonable expenses incurred for personal injuries or property damage; and reasonable moving expenses. Upon the motion of either party, for sufficient cause, the court may set a later hearing on the issue of the amount of damages, if any, to be awarded. If it appears from the petition that an order under this paragraph may be granted, the plaintiff or defendant may remove the issue of monetary compensation to the Superior Court where a jury trial may be had. Removal must be

requested by motion prior to a hearing under section 4654;

See title page for effective date.

CHAPTER 266

H.P. 785 - L.D. 1102

An Act to Exempt Bows from the Firearms Discharge Ordinances

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

Sec. 1. 30-A MRSA §3007, sub-§5 is enacted to read:

5. Firearms and bows and arrows. Municipalities may not include bows and arrows in any firearms discharge ordinances.

See title page for effective date.

CHAPTER 267

S.P. 467 - L.D. 1263

An Act to Delegate Permit-granting Authority to Municipalities

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

Sec. 1. 38 MRSA §480-F, sub-§1, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §74, is further amended to read:

1. Delegation. A municipality may apply to the board for authority to issue permits under this article. The board shall grant such authority if it finds that the municipality has:

A. Established a planning board and a board of appeals;

B. Adopted a comprehensive plan and related land use ordinances consistent with the criteria set forth in Title 30-A, chapter 187, subchapter II;

C. The financial, technical and legal resources to adequately review and analyze permit applications and oversee and enforce permit requirements;

D. Made provision by ordinance or rule for prompt notice to the commissioner and the public upon receipt of application and written notification to the applicant and the commissioner of

the issuance or denial of a permit stating the reasons for issuance or denial; ~~and~~

E. Provided an application form that is substantially the same as that provided by the commissioner; ~~and~~

F. Appointed a code enforcement officer, certified by the Department of Economic and Community Development.

See title page for effective date.

CHAPTER 268

S.P. 387 - L.D. 1064

An Act to Increase the Amount of Reimbursement to Animal Shelters Housing Stray Dogs

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

Sec. 1. 7 MRSA §3913, sub-§2-A, as amended by PL 1993, c. 657, §15, is further amended to read:

2-A. Animal shelter. An animal shelter, as defined in section 3907, to which a stray dog is taken, shall accept the dog for a period of 6 days, unless the shelter is in quarantine or has a bona fide lack of adequate space. The acceptance entitles the animal shelter to receive from the department the sum of ~~\$2.50~~ \$4 a day for the period for which food and shelter are furnished to the dog. An animal shelter may refuse to accept dogs from municipalities not contracting with that shelter.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1995-96	1996-97
AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF		
Public Services - Agriculture		
All Other	\$63,750	\$85,000
Provides allocations for increased reimbursements to animal shelters for the housing of stray dogs.		

See title page for effective date.

CHAPTER 269

H.P. 1014 - L.D. 1429

An Act Pertaining to the Purchase Deposit on Automobiles

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

Sec. 1. 10 MRSA §1174, sub-§4, as amended by PL 1981, c. 470, Pt. A, §§24 and 25, is further amended to read:

4. Dealer violations. Motor vehicle dealer:

A. To require a purchaser of a new motor vehicle, as a condition of sale and delivery thereof, to also purchase special features, appliances, equipment, parts or accessories not desired or requested by the purchaser; provided, however, that this prohibition ~~shall~~ does not apply as to special features, appliances, equipment, parts or accessories ~~which~~ that are already installed on the car when received by the dealer; provided further, that the motor vehicle dealer prior to the consummation of the purchase reveals to the purchaser the substance of this paragraph;

B. To represent and sell as a new motor vehicle any motor vehicle ~~which~~ that has been used and operated for demonstration purposes or ~~which~~ is otherwise a used motor vehicle; ~~or~~

C. To resort to or use any false or misleading advertisement in connection with ~~his~~ business as ~~such a~~ motor vehicle dealer; ~~or~~

D. To fail to disclose conspicuously in writing the motor vehicle dealer's policy in relation to the return of deposits received from any person. A dealer shall require that a person making a deposit sign the form on which the disclosure appears.

Sec. 2. 10 MRSA §1475, sub-§2-A, ¶¶F and G, as enacted by PL 1989, c. 878, Pt. F, §3, are amended to read:

F. A statement, if applicable, disclosing that the vehicle was returned to the manufacturer, its agent or authorized dealer, for its nonconformity with express warranties. The statement must identify the nature of the nonconformities; ~~and~~

G. If the vehicle is repossessed, a statement identifying this fact; ~~and~~

Sec. 3. 10 MRSA §1475, sub-§2-A, ¶H is enacted to read: