

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

Bureau of Parks and Recreation Snowmobile Trail Fund

All Other	\$149,695	\$201,548
Provides funds to be granted to snowmobile clubs and municipalities for the development and maintenance of snowmobile trails.		

ATV Recreational Management Fund

All Other	\$39,625	\$53,351
Provides funds for development of all-terrain vehicle trails, grants and technical assistance to correct problems caused by uncontrolled all-terrain vehicle use and grants to clubs and municipalities for the development of all-terrain vehicle trails and the development of multiple-use rail trails.		

DEPARTMENT OF CONSERVATION TOTAL

\$189,320	\$254,899
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See title page for effective date.

CHAPTER 447

S.P. 53 - L.D. 82

An Act to Increase the Limit on the Extradition Account

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

Sec. 1. 15 MRSA §224-A, sub-§1, as enacted by PL 1983, c. 843, §11, is amended to read:

1. Establishment. Notwithstanding any other provision of law, there is established an Extradition Account in each prosecutorial district in an amount not to exceed ~~\$10,000~~ \$20,000, to be administered by the district attorney and to be used solely for the purpose of paying the expenses of extraditing persons charged with or convicted of a crime in this State and who are fugitives from justice, as defined in section 201, subsection 4.

Sec. 2. 15 MRSA §224-A, sub-§2, as amended by PL 1991, c. 377, §7, is further amended to read:

2. Funding. The Extradition Account in each prosecutorial district is funded by bail forfeited to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule 46. Whenever bail is so forfeited and recovered by the State, the district attorney shall determine whether it or a portion of it is deposited in the Extradition Account for that district attorney's prosecutorial district, but in no event may the account exceed ~~\$10,000~~ \$20,000. Any bail so forfeited and recovered and not deposited in the Extradition Account must be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section may not lapse but must be carried forward into the next year.

Sec. 3. 15 MRSA §224-A, sub-§3, as enacted by PL 1983, c. 843, §11, is amended to read:

3. Review by district attorney. The district attorney shall ~~regularly~~ review monthly the Extradition Account and the expenses of ~~his~~ that prosecutorial district in connection with the extradition of fugitives from justice and shall determine whether any funds in the account ~~shall~~ must be transferred to the General Fund.

See title page for effective date.

CHAPTER 448

H.P. 1099 - L.D. 1546

An Act to Expedite the Appeal Process in the Case of a Writ of Possession

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

Sec. 1. 14 MRSA §§6006 and 6007 are repealed.

Sec. 2. 14 MRSA §6008, as amended by PL 1989, c. 377, is repealed and the following enacted in its place:

§6008. Appeal

1. Right to appeal. Either party may appeal on questions of law from a judgment to the Superior Court as in other civil actions. Either party may appeal on any issue triable by right by a jury to a trial de novo in the Superior Court as provided in this section.

2. Appeal by defendant; record; stay. When the defendant appeals, the District Court shall promptly transmit the record to the Superior Court without waiting for the preparation of a transcript of recorded testimony. The Superior Court may stay the issuance of a writ of possession pending disposition of the appeal.

A. The Superior Court shall condition the granting and continuation of the stay on the defendant's payment of the current rent for the premises to the plaintiff or, if there is a dispute about the rent, into an escrow account to be administered by the clerk of the Superior Court. Upon application of either party, the Superior Court may authorize payments from the escrow account for appropriate expenses related to the premises. The appeal decision or an agreement of the parties must provide for the disposition of the escrowed rent.

B. The Superior Court may condition the granting and continuation of the stay, in appropriate cases, on the defendant's agreement to refrain from causing any nuisance or damage.

3. Vacation of stay; security; remedial order. Upon finding a violation of the conditions for granting the stay, the Superior Court shall vacate the stay and may issue a writ of possession. The Superior Court may require the plaintiff to provide security as may be necessary to protect the defendant's interest while the appeal is pending. If the defendant prevails, the Superior Court may issue a remedial order as necessary to make the defendant whole, including damages.

4. Claim of title. In disputes involving a claim of title, the District Court may provide for discovery on an expedited schedule.

5. Security. For the purposes of this section, "security" may include a bond, an escrow account, a lien, a mortgage, an order to make payments under a lease or contract as they become due or any other financial protection as is reasonably necessary to protect the interests of a party. The District Court and the Superior Court may make any necessary orders with respect to the provision of security, revise the orders when required by the interests of justice, sanction a party for failure to comply with a security requirement and waive or modify the requirement of security for good cause shown and recited in an order.

Sec. 3. 14 MRSA §6009, as repealed and replaced by PL 1979, c. 172, §2, is repealed.

Sec. 4. 14 MRSA §6012, as amended by PL 1979, c. 231, is repealed and the following enacted in its place:

§6012. Personal property

1. Action to resolve dispute. If 2 or more persons claim rights in, title to or possession of personal property, any claimant may bring an action in District Court to resolve a dispute among the claimants.

2. Evidence; discovery. When the plaintiff claimant serves a copy of the complaint on the defendant claimants, the plaintiff shall include with the complaint a copy of any security instrument, bill of sale or other evidence of title. In the court hearing, the plaintiff shall produce the best available evidence under which the plaintiff claims an interest in the personal property. The defendant then shall show why possession of the property should not be delivered immediately to the plaintiff. The District Court may provide for discovery on an expedited schedule.

3. Court authority. The court has equitable power to make all appropriate orders, including but not limited to turnover orders, in relation to the personal property and the parties to the action, to compel obedience to its judgment and orders.

4. Appeal. Any party may appeal within 30 days of the judgment. Any issue triable by right by a jury may be appealed to a trial de novo in the Superior Court. Security may be required in accordance with the provisions of section 6008, subsection 5.

5. Rules. The Maine Rules of Civil Procedure governing forcible entry and detainer apply in actions under this section as applicable.

6. Equity. The remedy provided in this section is a remedy in equity and is in addition to and not in lieu of other remedies. There is no right of removal.

See title page for effective date.

CHAPTER 449

H.P. 803 - L.D. 1120

An Act to Restore State Funding for State Expenses at County Jails

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

Sec. 1. 34-A MRSA §1210, sub-§2, as amended by PL 1995, c. 368, Pt. K, §3, is further amended to read:

2. Reimbursement. Except as provided in subsection 6-A, the department shall, under this section, reimburse each county quarterly for each