

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 6

H.P. 38 - L.D. 63

**An Act Concerning Dangerous
Buildings in the Unorganized
Territories**

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

Sec. 1. 17 MRSA §2851, as amended by PL 1979, c. 27, §§1 to 3, is further amended to read:

§2851. Dangerous buildings

Whenever the municipal officers ~~shall in the case of a municipality, or the county commissioners in the case of the unorganized or deorganized areas in their county,~~ find that a building or structure or any portion thereof or any wharf, pier, pilings or any portion thereof ~~which that~~ is or was located on or extending from land within the boundaries of the municipality or the unorganized or deorganized area, as measured from low water mark, is structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property, they may after notice and hearing on this matter; adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal ~~shall must~~ be made ~~thereof of that building or structure.~~

1. Notice. The notice ~~shall must~~ be served on the owner and all parties in interest, as defined in Title 14, section 6321, in the same way service of process is made in accordance with the Maine Rules of Civil Procedure.

2. Notice; how published. When the name or address of any owner or co-owner is unknown or is not ascertainable with reasonable diligence, then the notice ~~shall must~~ be published once a week for 3 successive weeks prior to the date of hearing in a newspaper generally circulated in the county, or if none, in the state paper.

3. Order. The order made by the municipal officers ~~shall or county commissioners must~~ be recorded by the municipal or county clerk, who shall ~~forthwith~~ cause an attested copy to be served upon the owner and all parties in interest in the same way service of process is made in accordance with the Maine Rules of Civil Procedure. If the name or address cannot be ascertained, the clerk shall publish a copy of the order in the same manner as provided for notice in subsection 2.

4. Proceedings in Superior Court. In addition to proceedings before the municipal officers or the county commissioners, the municipality or the county may seek an order of demolition by filing a complaint in the Superior Court situated in the county where the structure is located. The complaint ~~shall must~~ identify the location of the property and set forth the reasons why the municipality or the county seeks its removal. Service of the complaint ~~shall must~~ be made upon the owner and parties-in-interest in accordance with the Maine Rules of Civil Procedure. After hearing before the court sitting without a jury, the court shall issue an appropriate order and, if it requires removal of the structure, it shall award costs; as authorized by this subchapter to the municipality or the county. Appeal from a decision of the Superior Court ~~shall be~~ is to the law court in accordance with the Maine Rules of Civil Procedure.

Sec. 2. 17 MRSA §2852, as repealed and replaced by PL 1979, c. 27, §4, is amended to read:

§2852. Appeal; hearing

An appeal from a decision of the municipal officers ~~shall or county commissioners must~~ be to the Superior Court, pursuant to the provisions of the Maine Rules of Civil Procedure, Rule 80B.

See title page for effective date.

CHAPTER 7

S.P. 60 - L.D. 170

**An Act to Allow Members of
Cooperatives to Vote by Proxy**

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

Sec. 1. 13 MRSA §1602 is repealed.

Sec. 2. 13 MRSA §1604 is enacted to read:

§1604. Voting by proxy

Unless specified otherwise in an association's articles of incorporation or bylaws, members are permitted to vote by proxy.

1. Appointment of agent. The appointment of one or more agents to vote on behalf of the member must be by written proxy executed by the member or by the member's duly authorized attorney-in-fact. A telegram, cablegram or facsimile appearing to have been transmitted may be considered to satisfy this requirement.

2. Duration. A proxy is valid for only 11 months from the date of its execution, unless