

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
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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

otherwise expressly and conspicuously provided in the proxy.

3. Revocation. A proxy is revocable at the pleasure of the person executing it. A proxy may be revoked, without limitation, by an instrument that in terms revokes the proxy or by a subsequent duly executed proxy. The authority of a proxy holder is not revoked by death or supervening incapacity of the member executing the proxy unless, before the authority is exercised, written notice of death or incapacity is filed with the corporate officer responsible for maintaining the list of members. The presence at a members' meeting of the member appointing a proxy does not of itself revoke the proxy. A member may revoke an appointment of a proxy by giving notice to the corporate officer responsible for maintaining a list of members or by giving notice in open meeting of the members.

See title page for effective date.

CHAPTER 8

S.P. 68 - L.D. 207

An Act to Change How the Mileage Allowance is Determined for Sheriffs and Deputies

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

Sec. 1. 30-A MRSA §421, 3rd ¶, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

In addition to the fees charged for service, travel ~~shall~~ may be charged for each mile actually traveled at the same rate at which ~~state~~ county government employees are reimbursed within that county, except that all travel initiated on behalf of a state government agency must be reimbursed under Title 5, section 8.

See title page for effective date.

CHAPTER 9

H.P. 187 - L.D. 240

An Act to Terminate Spousal Support upon the Death of the Payee

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

Sec. 1. 19 MRSA §721, sub-§8 is enacted to read:

8. Cessation upon death of payee. Unless otherwise stated in the court order awarding alimony, the obligation to make any payment pursuant to this section ceases upon the death of the payee with respect to any payment not yet due and owing as of the date of the payee's death. This subsection is repealed October 1, 1997.

Sec. 2. 19-A MRSA §951, sub-§7 is enacted to read:

7. Cessation upon death of payee. Unless otherwise stated in the court order awarding spousal support, the obligation to make any payment pursuant to this section ceases upon the death of the payee with respect to any payment not yet due and owing as of the date of the payee's death.

Sec. 3. Effective date. That section of this Act that enacts Maine Revised Statutes, Title 19-A, section 951, subsection 7 takes effect October 1, 1997.

See title page for effective date, unless otherwise indicated.

CHAPTER 10

S.P. 163 - L.D. 492

An Act to Adjust the Residency Requirement for District Court Judges to Include the Counties in Which They Reside

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

Sec. 1. 4 MRSA §157, sub-§1, ¶A, as amended by PL 1995, c. 665, Pt. X, §1 and affected by §2, is further amended to read:

A. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, shall appoint to the District Court 27 judges. At least one judge must be appointed from each district who is a resident of ~~the district~~ a county in which the district lies, except that in District 3 there must be 2 judges appointed who are residents of ~~the district~~ a county in which the district lies; in District 6 there must be 2 judges appointed who are residents of ~~the district~~ a county in which the district lies; and in District 9 there must be 2 judges appointed who are residents of ~~the district~~ a county in which the district lies. Each District Court Judge has a term of office of 7 years.

To be eligible for appointment as a District Judge, a person must be a member of the bar of