

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

is appointed for a one-year term, one is appointed for a 2-year term and one is appointed for a 3-year term. After the initial appointments, appointees are appointed for 3-year terms.

(2) Three leaders from the business community must be appointed by the Maine Chamber of Commerce and Industry. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and one is appointed for a 3-year term. After the initial appointments, appointees are appointed for 3-year terms.

(3) ~~Three~~ At least 3 members must be elected by majority vote of the board. Of the initial appointees, one is appointed for a one-year term, one is appointed for a 2-year term and one is appointed for a 3-year term. After the initial appointments, appointees are appointed for 3-year terms.

The public members may include representatives of the following groups: parents; persons under the age of 21; the business and labor communities; the legal community; the religious community; and providers of child abuse and neglect prevention services.

Sec. 3. 22 MRSA §3885, sub-§3, ¶B, as enacted by PL 1993, c. 600, Pt. A, §16, is repealed.

Sec. 4. 22 MRSA §3885, sub-§4, as enacted by PL 1993, c. 600, Pt. A, §16, is amended to read:

4. Discretion. The board has sole discretion in the use of resources from sources other than the income tax checkoff by individuals ~~and federal grants pursuant to subsection 3.~~

See title page for effective date.

CHAPTER 150

H.P. 848 - L.D. 1153

An Act to Require that Day Care Facilities for Children and Infants Be Smoke Free

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

Sec. 1. 22 MRSA §1542, sub-§2, ¶J, as enacted by PL 1993, c. 342, §1 and affected by §9, is amended to read:

J. Smoking is not prohibited in a private residence unless the private residence is used as a

~~licensed~~ day care or baby-sitting service, in which case ~~that portion~~ those portions of the private residence used to care for children ~~is a~~ and adjacent areas from which smoke could enter the areas used to care for children are public place ~~places~~ for the period of time that children who are being cared for are present in that portion of the residence.

See title page for effective date.

CHAPTER 151

H.P. 262 - L.D. 326

An Act to Streamline the Eviction Process

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

Sec. 1. 14 MRSA §6003, 2nd ¶, as amended by PL 1989, c. 452, §1, is further amended to read:

~~If either party in a forcible entry and detainer action requests a recorded hearing, the~~ The court shall schedule and hold the hearing as soon as practicable, but no later than 10 days after the return day ~~except that the court may grant a continuance for good cause shown.~~ Any defendant requesting a recorded hearing shall file a written answer enumerating all known defenses on or before the return day.

Sec. 2. 14 MRSA §6005, first ¶, as amended by PL 1995, c. 208, §2, is further amended to read:

When the defendant is defaulted or fails to show sufficient cause, judgment must be rendered against the defendant by the District Court for possession of the premises and a writ of possession must be issued to remove the defendant, which may be served by a constable. If at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the notice by first-class mail to the defendant's last known address and leaving the writ of possession at the defendant's last and usual place of abode. A writ of possession may not issue in any case in which the ground for termination of the tenancy was rent arrearage and the defendant paid the amount necessary to reinstate the tenancy as provided by section 6002.

See title page for effective date.