

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

at a detention facility described in section 3203-A, subsection 7, paragraph B.

Sec. 2. 15 MRSA §3309-B, as amended by PL 1997, c. 752, §17, is further amended to read:

§3309-B. Limitations on diagnostic evaluations in a secure detention facility

Except as provided in section 3309-A, subsection 4, the court may not order a juvenile to undergo a diagnostic evaluation at a detention facility ~~described in section 3203-A, subsection 7, paragraph B or a secure detention facility~~ unless the juvenile meets the requirements of section 3203-A, subsection 4, paragraphs C and D, the facility is one in which the juvenile may otherwise be detained and the diagnostic evaluation is unable to take place outside the facility on either a residential or nonresidential basis.

See title page for effective date.

CHAPTER 66

H.P. 442 - L.D. 605

An Act to Clarify the Probate Code Regarding Durable Financial Powers of Attorney

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

Sec. 1. 18-A MRSA §5-508, sub-§(g), as enacted by PL 1997, c. 683, Pt. C, §6, is amended to read:

(g) The requirements of subsections (b), (c) and (d) do not render ineffective a durable financial power of attorney validly executed prior to September 19, 1997 or a durable financial power of attorney executed prior to December 31, 1998 in accordance with this section as in effect on September 19, 1997.

See title page for effective date.

CHAPTER 67

H.P. 798 - L.D. 1121

An Act to Clarify the Laws Governing Service of Protection from Abuse Orders in Court

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, it has recently become apparent that the laws governing service of protection from abuse orders were not amended to allow for service by court security officers when the statutory authority for those officers was established; and

Whereas, in many counties, court security officers are often the only law enforcement personnel in a courthouse during civil proceedings, including protection from abuse cases; and

Whereas, the best opportunity for service on a defendant is often when the defendant is in court and the opportunity for service may be lost if a court security officer is not authorized to handle this task; and

Whereas, the safety and security of a person who has been issued a protection from abuse order may be at greater risk while the order is unserved; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 19-A MRSA §4006, sub-§6, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

6. Service of order. If the court issues a temporary order or orders emergency or interim relief, ~~it~~ the court shall order an appropriate law enforcement agency, or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15, to serve the defendant personally with the order, the complaint and the summons. To protect the plaintiff, the court may order the omission or deletion of the plaintiff's address from papers served on the defendant. The court shall cause the order to be delivered to the law enforcement agency or court security officer as soon as practicable following the issuance of the order and the law enforcement agency or court security officer shall make a good faith effort to serve process expeditiously.

Sec. 2. 19-A MRSA §4007, sub-§6, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

6. Service of order. The court shall order a law enforcement agency or, if the defendant is present in the courthouse, a court security officer qualified pursuant to Title 4, section 17, subsection 15 to serve

the defendant personally with a protective order or consent decree.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 14, 1999.

CHAPTER 68

H.P. 165 - L.D. 227

An Act to Further Decriminalize Operating an Unregistered Vehicle

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

Sec. 1. 29-A MRSA §351, as amended by PL 1995, c. 584, Pt. B, §4, is further amended to read:

§351. Registration required

The owner of a vehicle that is operated or remains on a public way is responsible for registering the vehicle.

1. Failure to register. A person ~~commits a Class E crime if that person who~~ fails to register a vehicle that is operated or remains on a public way as provided by this Title: commits:

A. A traffic infraction for which a forfeiture of not more than \$50 may be adjudged if the vehicle was registered and the registration has been expired for more than 30 days but less than 120 days; or

B. A Class E crime if the vehicle was not registered or the registration has been expired for 120 days or more.

1-A. Residents required to register. An owner of a vehicle who becomes a resident of this State shall register that vehicle in this State within 30 days of establishing residency. A person who operates or allows a vehicle that is not registered in accordance with this subsection to remain on a public way commits a ~~Class E crime~~ traffic infraction pursuant to subsection 1, paragraph A.

2. Operating a vehicle with an expired registration. The owner or operator of a vehicle stopped by a law enforcement officer and having a registration that ~~had~~ has expired within the last 30 days must be issued a warning, rather than a summons, in a form designated by the Chief of the State Police. This warning must state that:

A. Within 2 business days, the owner or operator must register the vehicle;

B. The renewed registration expires on the same month as the previous registration; and

C. The registration fee is the same as for a full ~~year~~ year's registration.

3. Temporary permit to tow unregistered vehicle. A law enforcement officer or an employee of the bureau designated by the Secretary of State may issue a permit in writing to allow:

A. An unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar; or

C. An unregistered trailer or semitrailer with a gross weight of 3,000 pounds or less to be towed, for one trip only, between the points of origin and destination.

A permit issued under this subsection is valid for no more than 3 days, including the date of issuance.

3-A. Permit to operate unregistered vehicle. Upon stopping a vehicle with a registration that has been expired for more than 30 days, a law enforcement officer may issue a permit to the owner or operator of the vehicle to operate the vehicle to the owner's residence or to an office of the bureau for the sole purpose of renewal of the registration by the owner.

4. Duplicate registration, notification of change in location or status. Duplicate registrations are provided in accordance with section 1405. A person to whom a registration has been issued must notify the Secretary of State of a change in location or status in accordance with section 1407.

See title page for effective date.

CHAPTER 69

H.P. 426 - L.D. 568

An Act to Amend the Laws Pertaining to Conveyance and Reservation of Real Estate

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

Sec. 1. 33 MRSA §772, as amended by PL 1969, c. 344, §1, is repealed and the following enacted in its place: