

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

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:

§772. Words of inheritance; habendum

1. Words of inheritance; habendum. In a conveyance or reservation of real estate, the terms "heirs," "successors," "assigns," "forever" or other technical words of inheritance, or an habendum clause, are not necessary to convey or reserve an estate in fee. A conveyance or reservation of real estate, whether made before or after the effective date of this section, must be construed to convey or reserve an estate in fee simple, unless a different intention clearly appears in the deed.

2. Preservation of rights. A person claiming an interest in real estate by reason of the omission of technical words of inheritance or the lack of an habendum clause in a deed that conveyed or reserved a property interest before October 7, 1967 may preserve that claim by commencing a civil action for the recovery of that property in the Superior Court or the District Court in the county or division in which the property is located on or before December 31, 2002.

3. Limitation. After December 31, 2002, a person may not commence a civil action for the recovery of property or enter that property under a claim of right based on the absence of an habendum clause or technical words of inheritance in any deed.

4. Construction of laws. This section may not be construed to extend the period for bringing of an action or for the doing of any other required act under any statute of limitations.

5. Liberal construction. This section must be liberally construed to effect the legislative purpose of clarifying title to land currently encumbered by ancient deeds that lacked technical words of inheritance or an habendum clause.

See title page for effective date.

CHAPTER 70

S.P. 203 - L.D. 592

An Act to Establish the Chesuncook Soil Series as the Official State Soil and to Remove Enhanced Protection Status from State Symbols

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

Sec. 1. 1 MRSA §§222 and 223 are enacted to read:

§222. State soil

The Chesuncook soil series, a coarse-loamy, mixed, frigid, Typic Haplorthod, is the official state soil.

§223. No enhanced protection

Designation as a state symbol under this subchapter does not confer enhanced protection under the environmental laws or any other applicable laws.

See title page for effective date.

CHAPTER 71

H.P. 373 - L.D. 498

An Act Relating to Transfer of Ownership of Dams

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

Whereas, several dams in the State are presently in the process of being transferred to private owners; and

Whereas, there are presently no systems in place to ensure that the persons who take ownership of the dams have adequate insurance to cover losses in the event of a dam failure or a significant flood; and

Whereas, it is imperative that the State take immediate steps to ensure that dam owners have adequate insurance and proper safety plans with respect to these dams; and

Whereas, the safe operation of dams is essential to the safety of a large number of communities below the dams; and

Whereas, the transfer of dams involving inter-local agreements with municipalities depends upon funding assistance through the state-municipal revenue sharing program; 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. 37-B MRSA §1065, as amended by PL 1997, c. 517, §1 and affected by §4, is further amended to read:

§1065. Inspection of dams