

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

**§1856. Change of ownership**

**1. Evidence of compliance.** A person who has complied with section 1854 ~~or 1855, subsection 4~~ shall present evidence of compliance to the Secretary of State immediately after the 14-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least 30 days after the date on which the person ~~first~~ who has possession of and control over the vehicle ~~notified the Secretary of State by complying with section 1854, subsections 1 and 2.~~

**2. Issuance of certificate; letter of ownership.** The Secretary of State, upon being satisfied that ~~the person has notified or has attempted to notify~~ notice has been made to all parties with an interest in the vehicle, may issue certificates of title or letters of ownership as follows.

A. For a vehicle not required to be titled, on presentation of sufficient evidence and payment of a \$5 fee, the Secretary of State may issue a letter of ownership to the owner of the premises on which the vehicle is located.

B. For vehicles subject to chapter 7, on presentation of sufficient evidence and application for certificate of title in accordance with section 654 and payment of a fee set forth in section 603, the Secretary of State may issue a certificate of title to the owner of the premises on which the vehicle is located.

If the owner or lienholder of the vehicle retrieves it and pays the towing, storage and repair charges before the Secretary of State issues a letter of ownership or certificate of title, the person holding the vehicle must immediately release it to the person paying the charges and must immediately notify the Secretary of State of the release.

A person who refuses to release a vehicle when reasonable charges are paid or does not notify the Secretary of State that the vehicle is no longer in the person's possession commits a Class E crime.

**§1857. Limits**

If the ~~inquiry~~ notification to the Secretary of State required by section 1854 ~~or the notice required by section 1855~~ is made more than 30 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than 30 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed \$600 for a 30-day period.

See title page for effective date.

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**CHAPTER 138****H.P. 882 - L.D. 1239****An Act to Clarify the Governance of  
Soil and Water Conservation  
Districts**

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

**Sec. 1. 12 MRSA §101**, as amended by PL 1969, c. 477, §1 and PL 1995, c. 532, §17, is repealed and the following enacted in its place:

**§101. Nominations, elections and appointments of  
supervisors**

**1. Elections of supervisors.** The governing body of each district consists of a board of 5 supervisors. Three of the supervisors must be elected. Petitions may be filed to nominate candidates for election as supervisors of each district. When the district is first created, nominating petitions must be filed with, and the election must be conducted by, the department. After the creation of the district, nominating petitions must be filed with, and the election must be conducted by, each district. Nominating petitions must be subscribed by 25 or more registered voters residing within the district, as certified and sworn by the person submitting the petition and subject to such verification as the department or district may require. Registered voters may sign petitions to nominate more than one candidate for supervisor. The department or district shall give notice of the time for making nominations and the time and manner in which the election will occur. Registered voters residing within the district are eligible to vote in an election. When a district is first created, the 3 nominated candidates who receive the largest number of votes in the election are the elected supervisors of the district. Terms of elected supervisors are staggered, with the candidate receiving the largest number of votes initially elected to a 3-year term, the candidate receiving the 2nd largest number of votes initially elected to a 2-year term and the candidate receiving the 3rd largest number of votes initially elected to a one-year term. Thereafter, the term of office of each elected supervisor is 3 years. Following an election, the results must be published in a newspaper of general circulation in the district, and the names of those elected must be certified by the commissioner. The commissioner may adopt rules or prescribe procedures governing elections, which may include elections by mail or other procedures the commissioner finds to be fair and efficient. Rules adopted pursuant to this subsection are routine technical rules pursuant to Title 5, chapter 375, subchapter II-A.

**2. Appointments of supervisors.** In each district, 2 supervisors must be appointed by the commissioner, taking into consideration the various interests of the district in agriculture, forestry, wildlife, recreation and community and regional development. The appointees must be qualified by training and experience to perform their duties. The terms of the appointed supervisors must be staggered, with the first appointed supervisor initially appointed to a one-year term and the 2nd appointed supervisor initially appointed to a 2-year term. Thereafter, the term of office of each appointed supervisor is 3 years.

**3. Tenure.** A supervisor shall continue to hold office until the supervisor's successor has been elected or appointed and has qualified pursuant to subsection 2.

**4. Vacancies.** A vacancy for the unexpired term of an appointed supervisor must be filled through appointment by the commissioner as described in this section. A vacancy for the unexpired term of an elected supervisor may be temporarily filled by the commissioner through appointment of an associate supervisor designated with voting authority in accordance with section 103. This appointment is effective only until the district holds an election as necessitated by the expiration of the term of any elected supervisor.

**Sec. 2. 12 MRSA §102,** as amended by PL 1995, c. 532, §§15 and 17, is repealed and the following enacted in its place:

**§102. Duties of supervisors and district employees**

**1. Supervisors.** A majority of the supervisors constitute a quorum, and the vote of a majority of the quorum present constitutes an action by the board. The supervisors shall elect one of their members to be chair and may, from time to time, change such designation. As determined by the board, and to the extent funds are available for this purpose, a supervisor may receive reasonable compensation for services and other expenses, including travel necessarily incurred in the discharge of the supervisor's duties.

**2. Employees and others.** The supervisors may employ a secretary and such other employees and contractors as they require in the performance of their duties. The supervisors may call upon the Attorney General for legal services. The supervisors shall require the execution of surety bonds for all employees and officers who are entrusted with funds or valuable property.

**3. Delegation.** Subject to their appropriate supervision, the supervisors may delegate the work of the district to one or more of their members of the district or to their employees or agents as they

determine necessary for the conduct of the district's business.

**4. Records.** The supervisors shall provide for the keeping of accurate records of their actions, proceedings and other business of the district. The supervisors shall furnish to the commissioner any records or information that the commissioner may request concerning the performance of the district's business.

See title page for effective date.

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**CHAPTER 139**

**H.P. 814 - L.D. 1137**

**An Act to Allow Police Officers to Prosecute Their Own Traffic Infractions in District Court**

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶K,** as amended by PL 1997, c. 683, Pt. E, §3, is further amended to read:

K. A person who is not an attorney, but who is representing the Department of Human Services in accordance with Title 19-A, section 1615; Title 19-A, section 2009, subsection 8; Title 19-A, section 2201, subsection 1-B; and Title 19-A, section 2202, subsection 1-B; or

**Sec. 2. 4 MRSA §807, sub-§3, ¶L,** as enacted by PL 1997, c. 683, Pt. E, §4, is amended to read:

L. A person who is not an attorney, but who is representing the Department of Agriculture, Food and Rural Resources in accordance with Title 7, section 3909, subsection 2-; or

**Sec. 3. 4 MRSA §807, sub-§3, ¶M** is enacted to read:

M. A law enforcement officer, as defined in Title 29-A, section 101, subsection 30, who is not an attorney but who is representing the State in the prosecution of a traffic infraction, as defined in Title 29-A, section 101, subsection 85, when representation in that matter has been approved by the prosecuting attorney.

See title page for effective date.

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