

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

tion or disability and a material increase in insurance risk.

See title page for effective date.

CHAPTER 17

H.P. 438 - L.D. 559

An Act to Provide Uniformity and Consistency in the Appeals from the Trial Courts to the Law Court

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

Sec. 1. 14 MRSA §52, first ¶, as enacted by PL 1987, c. 646, §1, is amended to read:

No dollar amount or figure may be included in the demand in any civil case ~~filed in Superior Court~~, but the prayer ~~shall~~ must be for such damages as are reasonable in the premises. This section ~~shall~~ does not apply to a demand for liquidated damages.

Sec. 2. 14 MRSA §1851, first ¶ is amended to read:

For all purposes for which an exception has heretofore been necessary in civil cases, it is sufficient that a party, at the time the order or ruling of the court is made or sought, makes known to the court the action ~~which he~~ that the party desires the court to take or ~~his the party's~~ objection to the action of the court and his the grounds therefor for the objection. If a party has no opportunity to object to a ruling or order, the absence of an objection does not thereafter prejudice ~~him~~ that party. In any civil case any party aggrieved by any judgment, ruling or order may appeal therefrom to the law court ~~within 30 days or such further time as may be granted by the court pursuant to a rule of court~~. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

Sec. 3. 14 MRSA §1901, sub-§1, as amended by PL 1999, c. 731, Pt. ZZZ, §7 and affected by §42, is further amended to read:

1. Appeals from District Court. Except as provided in subsection 3 or by court rule, an appeal may be taken from the District Court to the Supreme Judicial Court sitting as the Law Court ~~within 30 days after judgment~~. Within those 30 days, the appellant must pay to the court the required fees for the appeal and in that case no execution issues and the clerk may enter the appeal in the Law Court as a new entry. The time for taking the appeal and the manner and any

conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule.

Sec. 4. 15 MRSA §2115-A, sub-§4, as amended by PL 1995, c. 47, §2, is further amended to read:

4. Time. ~~An~~ The time for taking and the manner and any conditions for the taking of an appeal taken pursuant to subsection 1, 2, 2-A or 2-B must be taken within 20 days after the entry of the order or such further time as may be granted by the court pursuant to a rule of court are as the Supreme Judicial Court provides by rule, and an appeal taken pursuant to subsection 1 must also be taken before the defendant has been placed in jeopardy. An appeal taken pursuant to this subsection must be diligently prosecuted.

Sec. 5. 30-A MRSA §6111, sub-§5, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

5. Appeal to Law Court. Any party aggrieved by the finding of the Superior Court may appeal ~~within 30 days~~ to the Supreme Judicial Court. The time for taking the appeal and the manner and any conditions for the taking of the appeal are as the Supreme Judicial Court provides by rule. The judgment of the Superior Court is binding upon all parties unless appealed under this subsection.

See title page for effective date.

CHAPTER 18

H.P. 65 - L.D. 74

An Act to List the Manufacturer's Suggested Retail Price on the Certificate of Title

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

Sec. 1. 29-A MRSA §654, sub-§1, ¶B-1 is enacted to read:

B-1. Beginning January 1, 2002, the manufacturer's suggested retail price pursuant to Title 36, section 1482, subsection 4, paragraph A minus the destination charge must be included on the certificate of title application for a new vehicle. For a used vehicle sold in this State after January 1, 2002 or sold in another state or country, the manufacturer's suggested retail price must be included on the certificate of title application if it appears on the original certificate of title.

Sec. 2. 29-A MRSA §658, sub-§1, ¶E, as amended by PL 1997, c. 776, §24, is further amended to read:

E. A description of the vehicle, including its make, model, model year designation, identification number, type of body, whether new, used, rebuilt, repaired or salvage, current mileage and, if a new vehicle, the date of the first sale of the vehicle for use. If the vehicle is a motor home, the chassis identification number must be used and the manufacturer's identification number, make, name and model year must be designated by the Secretary of State on the certificate; ~~or~~

Sec. 3. 29-A MRSA §658, sub-§1, ¶E-1 is enacted to read:

E-1. Beginning January 1, 2002, the manufacturer's suggested retail price pursuant to Title 36, section 1482, subsection 4, paragraph A minus the destination charge must be included on the certificate of title. For a used vehicle sold in this State after January 1, 2002 or sold in another state or country, the manufacturer's suggested retail price must be included on the certificate of title if it is included on the original certificate of title; or

See title page for effective date.

CHAPTER 19

H.P. 210 - L.D. 245

An Act to Establish Destroyer Escort Day

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

Whereas, the 3rd Saturday in June is the designated time to celebrate and honor the destroyer escort ships; and

Whereas, in order to expedite timely commemoration ceremonies and events and to have this legislation in time for the actual date of the celebration, this legislation must be enacted immediately; 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. 1 MRSA §139 is enacted to read:

§139. Destroyer Escort Day

The 3rd Saturday in June of each year is designated as Destroyer Escort Day in this State, and the Governor shall annually issue a proclamation inviting the people of the State to observe this day in honor of the destroyer escort ships and the people from this State who gallantly served on them as they performed antisubmarine duties, escorted convoys and tankers and performed search and rescue operations for downed pilots and survivors of ill-fated ships during World War II, the Korean Conflict and the War in Vietnam.

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

Effective April 6, 2001.

CHAPTER 20

S.P. 61 - L.D. 225

An Act to Enable Small Wineries to do Business in Maine

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

Sec. 1. 28-A MRSA §1361, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Fee for certificate of approval. The fee for a certificate of approval is \$600 per year for malt liquor only and \$600 for wine only, except that the fee for a manufacturer or foreign wholesaler of wine who ships 120 gallons of wine or less per year is \$100. Payment of the fee must accompany the application for the certificate.

See title page for effective date.

CHAPTER 21

S.P. 76 - L.D. 296

An Act to Specify the Permissible Hours for Sale of Liquor By Wholesale Licensees

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

Sec. 1. 28-A MRSA §4, sub-§1, as amended by PL 1995, c. 159, §1, is further amended to read: