

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

A. Breaks, breaks off, cracks, carves upon, writes or otherwise marks upon or in any manner destroys, mutilates, injures, defaces, removes, displaces, mars or harms any natural material found in a cave;

B. Kills, harms or disturbs plant or animal life found in a cave, except for safety reasons;

C. Disturbs or alters the natural condition of a cave or takes into a cave any aerosol or other container containing paints, dyes or other coloring agents;

D. Stores, dumps, litters, disposes of or otherwise places any refuse, garbage, dead animal, sewage or toxic substance harmful to cave life or humans in a cave;

E. Burns within a cave any material that produces smoke or gas that is harmful to any organism in the cave; or

F. Breaks, forces, tampers with, removes or otherwise disturbs a lock, gate, door, sign or other structure or obstruction designed to prevent entrance to a cave, whether or not entrance is gained.

2. Forfeiture. A person who violates the provisions of this subchapter commits a civil violation for which a forfeiture of up to \$1,000 may be adjudged.

3. Damages may be collected by landowner. A person who intentionally defaces or damages a cave on private land in violation of subsection 1 is liable to the owner of that land for actual damages recoverable through a civil action.

Sec. 2. 14 MRSA §159-A, sub-§1, ¶B, as amended by PL 1995, c. 566, §1, is further amended to read:

B. "Recreational or harvesting activities" means recreational activities conducted out-of-doors, including, but not limited to, hunting, fishing, trapping, camping, environmental education and research, hiking, recreational caving, sight-seeing, operating snow-traveling and all-terrain vehicles, skiing, hang-gliding, dog sledding, equine activities, boating, sailing, canoeing, rafting, biking, picnicking, swimming or activities involving the harvesting or gathering of forest, field or marine products. It includes entry of, volunteer maintenance and improvement of, use of and passage over premises in order to pursue these activities. "Recreational or harvesting activities" does not include commercial agricultural or timber harvesting.

See title page for effective date.

CHAPTER 114

S.P. 66 - L.D. 237

An Act Concerning Eligibility Requirements for State Employees, Teachers and Participating Local District Employees to Purchase Military Service Credit

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

Sec. 1. 5 MRSA §17760, sub-§2, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. ~~On~~ Except as provided in paragraph G, on the date of retirement, the member must have at least 15 years of creditable service.

Sec. 2. 5 MRSA §17760, sub-§2, ¶E, as amended by PL 1989, c. 907, §3, is further amended to read:

E. ~~A~~ Except as provided in paragraph G, a member who served in the armed forces during any federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), is entitled to service credit under this subsection.

Sec. 3. 5 MRSA §17760, sub-§2, ¶G is enacted to read:

G. A member who fails to meet one or more of the terms and conditions required under paragraphs A, D and E may purchase service credit as provided in this paragraph. The member must have at least 5 years of creditable service and, before any retirement benefit becomes effective for that member, must pay into the Members' Contribution Fund, by a single direct payment or annual direct payments to the retirement system, an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Annual direct payments must be made in accordance with section 17701, subsection 4. Any member who purchases service credit under this paragraph who subsequently, without inclusion of the purchased service credit and prior to retirement, meets the terms and conditions of paragraphs A, D and E is entitled to purchase the service credit under section 17713, subsection 2 and to receive a refund of the amount paid under this paragraph that exceeds the cost to purchase the service credit under section 17713.

Sec. 4. 5 MRSA §18360, sub-§2, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. ~~On~~ Except as provided in paragraph I, on the date of retirement, the member must have at least 15 years of creditable service.

Sec. 5. 5 MRSA §18360, sub-§2, ¶E, as amended by PL 1991, c. 23, §3, is further amended to read:

E. A Except as provided in paragraph I, a member who served in the armed forces during any federally recognized period of conflict, as defined in Title 37-B, section 504, subsection 4, paragraph A-1, subparagraph (3), is entitled to service credit under this subsection.

Sec. 6. 5 MRSA §18360, sub-§2, ¶I is enacted to read:

I. A member who fails to meet one or more of the terms and conditions required under paragraphs A, D and E may purchase service credit as provided in this paragraph. The member must have at least 5 years of creditable service and, before any retirement benefit becomes effective for that member, must pay into the Members' Contribution Fund, by a single direct payment or annual direct payments to the retirement system, an amount that, together with regular interest on that amount, is the actuarial equivalent, at the effective date of the retirement benefit, of the portion of the retirement benefit based on the additional creditable service. Annual direct payments must be made in accordance with section 17701, subsection 4. Any member who purchases service credit under this paragraph who subsequently, without inclusion of the purchased service credit and prior to retirement, meets the terms and conditions of paragraphs A, D and E is entitled to purchase the service credit under section 18311, subsection 2 and to receive a refund of the amount paid under this paragraph that exceeds the cost to purchase the service credit under section 18311.

See title page for effective date.

CHAPTER 115

H.P. 260 - L.D. 309

An Act Regarding Statute of Limitations for Attorneys

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

Sec. 1. 14 MRSA §753-A, as enacted by PL 1985, c. 804, §§2 and 22, is repealed.

Sec. 2. 14 MRSA §753-B is enacted to read:

§753-B. Actions against attorneys

1. Time when statute starts to run, generally.

In actions alleging professional negligence, malpractice or breach of contract for legal service by a licensed attorney, the statute of limitations starts to run from the date of the act or omission giving rise to the injury, not from the discovery of the malpractice, negligence or breach of contract, except as provided in this section or as the statute of limitations may be suspended by other laws.

2. Rendering of title opinion. In an action alleging professional negligence in the rendering of a real estate title opinion, the statute of limitations starts to run on the date the negligence is discovered, but in no event may an action be commenced more than 20 years after the act or omission giving rise to the injury.

3. Drafting of last will and testament. In an action alleging professional negligence in the drafting of a last will and testament that has been offered for probate, the statute of limitations starts to run on the date the negligence is discovered.

Sec. 3. Application. This Act applies to actions brought on or after the effective date of this Act, except that, notwithstanding the Maine Revised Statutes, Title 14, section 753-B, subsection 2, an action relating to a title opinion that was rendered more than 20 years ago may be brought within the earlier of:

1. Two years from the effective date of this Act; and
2. Six years from discovery of the negligence.

See title page for effective date.

CHAPTER 116

H.P. 557 - L.D. 712

An Act to Exempt Organized Veterans Groups from Motor Vehicle Registration of Ceremonial Vehicles

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

Sec. 1. 29-A MRSA §517-A is enacted to read: