

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

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

**Sec. 1. 12 MRSA §7457, sub-§1, ¶J** is enacted to read:

J. The commissioner may establish a youth deer hunting day by rule. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

**CHAPTER 132**

**H.P. 530 - L.D. 685**

**An Act to Allow a Person with a Disability to Ride in Vehicles Being Towed**

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

**Sec. 1. 29-A MRSA §2061, sub-§2, ¶¶B and C**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. A trailer being utilized for farming or agricultural purposes; ~~or~~

C. A trolley trailer, as defined in section 101, subsection 87, when all passengers on the trolley trailer are seated and the towing machine does not exceed 10 miles per hour; ~~or~~

**Sec. 2. 29-A MRSA §2061, sub-§2, ¶D** is enacted to read:

D. A person with a disability, as defined in section 521, in a vehicle that requires road service when it is not practical to transport the person with a disability by any other means.

See title page for effective date.

**CHAPTER 133**

**S.P. 239 - L.D. 807**

**An Act to Provide for Plenary Proceedings in Actions for Forcible Entry and Detainer**

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

**Sec. 1. 14 MRSA §6012, sub-§1**, as enacted by PL 1995, c. 448, §4, is amended to read:

**1. Action to resolve dispute.** If 2 or more persons claim rights in, title to or possession of personal property, any claimant may bring an action in District Court to resolve a dispute among the claimants. The plaintiff has the option of bringing the action by way of summary proceeding or plenary proceeding.

**Sec. 2. 14 MRSA §6012, sub-§5**, as enacted by PL 1995, c. 448, §4, is repealed and the following enacted in its place.

**5. Rules.** If the action for forcible entry and detainer of personal property is brought as a summary proceeding, the Maine Rules of Civil Procedure, Rule 80D applies. If the action is brought as a plenary proceeding, the Maine Rules of Civil Procedure, other than Rule 80D(a)-(e), apply, except as otherwise provided by statute.

See title page for effective date.

**CHAPTER 134**

**H.P. 734 - L.D. 954**

**An Act to Amend the Protection from Abuse and Protection from Harassment Laws**

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

**Sec. 1. 5 MRSA §4651, sub-§2, ¶C**, as enacted by PL 1995, c. 650, §1, is amended to read:

C. A single act or course of conduct constituting a violation of section 4681; Title 17, section 2931; or Title 17-A, sections 201, 202, 203, 204, 207, 208, 209, 210, 210-A, 211, 253, 301, 302, 303, 506-A, 511, 556, 802, 805 or 806.

**Sec. 2. 5 MRSA §4654, sub-§5**, as amended by PL 1999, c. 542, §1, is further amended to read:

**5. Service of order.** If the court issues a temporary order or orders emergency or interim relief, 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 the order, the petition and the summons. ~~To protect the plaintiff, the court may order the omission or deletion of the plaintiff's address from any papers served on the defendant.~~

**Sec. 3. 5 MRSA §4655, sub-§1, ¶C-2** is enacted to read:

C-2. Directing the defendant to refrain from having any direct or indirect contact with the plaintiff;

**Sec. 4. 5 MRSA §4656**, as enacted by PL 1987, c. 515, §1, is repealed and the following enacted in its place:

**§4656. Identifying information sealed**

If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed by the clerk and not disclosed to the other party or to the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the party or child and determines that the disclosure is in the interest of justice.

**Sec. 5. 19-A MRSA §4006, sub-§6**, as amended by PL 1999, c. 67, §1, is further amended to read:

**6. Service of order.** If the court issues a temporary order or orders emergency or interim relief, 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. 6. 19-A MRSA §4007, sub-§1, ¶A-2** is enacted to read:

A-2. Prohibiting the defendant from the use, attempted use or threatened use of physical force that would reasonably be expected to cause bodily injury against the plaintiff or a minor child residing in the household;

**Sec. 7. 19-A MRSA §4008**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is repealed and the following enacted in its place:

**§4008. Identifying information sealed**

If a party alleges in an affidavit or a pleading under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information, the information must be sealed by the

clerk and not disclosed to the other party or to the public unless the court orders the disclosure to be made after a hearing in which the court takes into consideration the health, safety or liberty of the party or child and determines that the disclosure is in the interest of justice.

See title page for effective date.

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**CHAPTER 135**

**H.P. 716 - L.D. 931**

**An Act to Provide for the Security of Certain Utility Information**

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

**Whereas**, it is necessary that state agencies have timely access to information about the technical operations and facilities of public utilities in Maine to enable these agencies to carry out their roles in emergency preparedness and response, law enforcement and public health and safety activities; and

**Whereas**, the public release of some of that information may compromise the security of utility infrastructure and operations; and

**Whereas**, some of that information is needed to support current planning efforts related to potential energy emergencies in the State; 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. 35-A MRSA §1311-B** is enacted to read:

**§1311-B. Security of certain utility information**

**1. Designation of information as confidential.**

If the commission, on its own motion or on petition of any person or entity, determines that public access to specific information about public utility technical operations in the State could compromise the security of public utility systems to the detriment of the public interest, the commission shall issue an order designating that information as confidential. Information designated as confidential pursuant to this section may include, but is not limited to, emergency response