

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

CHAPTER 160

H.P. 222 - L.D. 257

An Act to Discourage Underage Consumption of Alcohol by a Minor

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

Sec. 1. 28-A MRSA §2051, sub-§2, as amended by PL 1997, c. 373, §146, is further amended to read:

2. Violation. ~~Any~~ A minor who violates this section commits a civil violation for which a forfeiture ~~shall~~ must be adjudged of not less than ~~\$100~~ \$200 nor more than ~~\$300~~ \$400 for the first offense; not less than ~~\$200~~ \$300 nor more than ~~\$500~~ \$600 for the 2nd offense, none of which may be suspended, except as provided in paragraph B; and ~~\$500~~ \$600 for the 3rd and subsequent offenses, none of which may be suspended, except as provided in paragraph B.

A. When a person is adjudged to have committed a first offense under this section, the judge shall inform that person that the forfeitures for the 2nd and subsequent offenses are mandatory and cannot be suspended, except as provided in paragraph B. Failure to inform the first offender that subsequent forfeitures are mandatory is not a ground for suspension of any subsequent forfeiture.

B. The judge, as an alternative to or in addition to the civil forfeitures required by this subsection, may assign the minor to perform specified work for the benefit of the State, the municipality or other public entity or charitable institution.

Sec. 2. 28-A MRSA §2053, as amended by PL 1995, c. 65, Pt. A, §§80 and 81 and affected by Pt. A, §153 and Pt. C, §15, is further amended to read:

§2053. Suspension of minor's operator's license for violations

1. Court shall suspend license. The court shall suspend the operator's license or right to operate, or right to obtain a license, of a minor found in violation of section 2052 as follows:

- A. Thirty days for the first offense;
- B. Ninety days for the 2nd offense; and
- C. One year for any subsequent offense.

The court shall immediately forward the license to the Secretary of State together with the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.

1-A. Suspend license. The court may suspend the operator's license, or right to operate a motor vehicle or right to obtain a license, of a minor found in violation of section 2051, subsection 1, paragraph D for 30 days for the first offense. The court shall suspend the operator's license, or right to operate a motor vehicle or right to obtain a license, of a minor found in violation of section 2051, subsection 1, paragraph D as follows:

A. Ninety days for the 2nd offense; and

B. One year for any subsequent offense.

The court shall immediately forward the operator's license to the Secretary of State together with the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29-A.

3. Secretary of State shall suspend license. Immediately upon receipt of the record, the Secretary of State shall suspend the license, or right to operate, or right to obtain a license, of the minor for the required period, without further hearing. The Secretary of State shall also assign demerit points according to Title 29-A, section 2458, subsection 3.

4. Penalty. The penalties provided in this section and section 2052 are not in conflict with Title 15, Part 6.

See title page for effective date.

CHAPTER 161

H.P. 1310 - L.D. 1773

An Act to Revise the Salaries of Certain Kennebec County Officers

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, it has become necessary to revise the salaries of certain county officers of Kennebec County; and

Whereas, it is desired to have these revisions be retroactive to January 1, 2001; 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. 30-A MRSA §2, sub-§1-B, ¶B, as repealed and replaced by PL 1999, c. 662, §1 and affected by §2, is repealed and the following enacted in its place:

2001

B. Kennebec County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	\$8,531
<u>(b) Members</u>	7,967
<u>(2) Treasurer</u>	10,221
<u>(3) Sheriff</u>	44,753
<u>(4) Judge of Probate</u>	22,856
<u>(5) Register of Probate</u>	28,442
<u>(6) Register of Deeds</u>	30,222

Sec. 2. Retroactivity. This Act applies retroactively to January 1, 2001.

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

Effective May 14, 2001.

CHAPTER 162

H.P. 369 - L.D. 471

An Act to Provide a Local Option on Display of the United States and State Flags

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

Sec. 1. 1 MRSA §252-A, as amended by PL 1977, c. 696, §6, is further amended to read:

§252-A. Display

The United States flag ~~shall~~ and State of Maine flag ~~may~~ be flown at half ~~mast~~ staff only at such times as specified by the President of the United States or the Governor of the State of Maine.

When the Governor considers it appropriate, the Governor may authorize the United States flag and the State of Maine flag to be flown at half staff throughout a political subdivision or a specified location or locations.

Any United States flag, except those flags having a historical significance, when being displayed ~~shall~~ must be in good condition at all times, not tattered, not torn ~~or~~ and not discolored.

~~Flying the United States flag in any manner in violation of the Federal United States Flag Code or in violation of this section is a Class E crime.~~

See title page for effective date.

CHAPTER 163

H.P. 285 - L.D. 363

An Act to Clarify the Law Regarding Name Changes

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

Sec. 1. 18-A MRSA §1-701, as amended by PL 1997, c. 18, §2 and affected by §6, is repealed and the following enacted in its place:

§1-701. Petition to change name

(a) If a person desires to have that person's name changed, the person may petition the judge of probate in the county where the person resides. If the person is a minor, the person's legal custodian may petition in the person's behalf.

(b) The judge, after due notice, may change the name of the person. To protect the person's safety, the judge may limit the notice required if the person shows by a preponderance of the evidence that:

- (1) The person is a victim of abuse; and
- (2) The person is currently in reasonable fear of the person's safety.

(c) The judge shall make and preserve a record of the name change. If the judge limited the notice required under subsection (2), the judge may seal the records of the name change.