

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

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Sec. 1. 30-A MRSA §2, sub-§1-B, ¶B, as repealed and replaced by PL 1999, c. 662, §1 and affected by §2, is repealed and the following enacted in its place: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.

(d) The fee for filing the name change petition is \$25.

See title page for effective date.

CHAPTER 164

S.P. 285 - L.D. 996

An Act to Amend the Laws Governing the Maine Potato Board

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

Sec. 1. 7 MRSA §1033, sub-§1, ¶B, as amended by PL 1987, c. 99, §6, is further amended to read:

B. ~~Seven~~ Five representatives of growers of tablestock potatoes, one elected by the assembly of tablestock growers in each of the districts established pursuant to Title 36, section 4602, subsection 3;

Sec. 2. 36 MRSA §4602, sub-§3, as amended by PL 1991, c. 190, is repealed and the following enacted in its place:

3. District. "District" means each one of the geographical divisions of the State as follows:

A. District One: Cyr, Eagle Lake, Fort Kent, Fort Kent Mills, Frenchville, Grand Isle, Hamlin, Keegan, Lille, Madawaska, New Canada Plantation, New Sweden, Sinclair, Soldier Pond, St. Agatha, St. David, St. Francis, St. John, Stockholm, TR 17, Upper Frenchville, Van Buren, Wallagrass and Winterville;

B. District 2: Caribou, Caswell Plantation, Connor, Connor Township, Crouseville, Fort Fairfield, Limestone, Perham, Wade, Washburn, Westmanland and Woodland;

C. District 3: Ashland, Blaine, Bridgewater, Castle Hill, Chapman, E Plantation, Easton, Garfield Plantation, Mapleton, Mars Hill, Masardis, Nashville, Presque Isle, Robbinston and Westfield;

D. District 4: Amity, Benedicta, Cary Plantation, Crystal, Dyer Brook, Hammond Plantation, Hershey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Merrill, Monticello, New Limerick, Oakfield, Patten, Sherman and Sherman Mills; and

E. District 5: All remaining municipalities and townships in the State not included in Districts 1 to 4.

Sec. 3. 36 MRSA §4603, sub-§2, ¶¶A, B and C, as enacted by PL 1985, c. 753, §§14 and 15, are amended to read:

A. There ~~shall be 7~~ are 5 assemblies of tablestock growers, one for each district. Subject to paragraph F, all tablestock growers in any district ~~shall be~~ are entitled to membership in that district's tablestock growers' assembly.

B. There ~~shall be 7~~ are 5 assemblies of seed growers, one for each district. Subject to paragraph F, all seed growers in any district ~~shall be~~ are entitled to membership in that district's seed growers' assembly.

C. There ~~shall be 7~~ are 5 assemblies of processing growers, one for each district. Subject to paragraph F, all processing growers in any district ~~shall be~~ are entitled to membership in that district's processing growers' assembly.

Sec. 4. 36 MRSA §4603, sub-§3, ¶¶A, B and C, as enacted by PL 1985, c. 753, §§14 and 15, are amended to read:

A. The executive council for the tablestock growers ~~shall consist~~ consists of 7 members, one elected by the tablestock growers' assembly for each district and 2 additional members appointed by the board.

B. The executive council for the seed growers ~~shall consist~~ consists of 7 members, one elected by the seed growers' assembly for each district and 2 additional members appointed by the board.

C. The executive council for the processing growers ~~shall consist~~ consists of 7 members, one elected by the processing growers' assembly for each district and 2 additional members appointed by the board.

Sec. 5. 36 MRSA §4603, sub-§4, as amended by PL 1993, c. 561, §1, is further amended to read:

4. Terms of executive council membership. Once elected, executive council members ~~shall~~ serve for 2 years, provided that the members may continue to serve until a successor is duly elected and qualified and that executive council members may not serve more than 5 consecutive terms. The members appointed by the board serve for staggered 2-year terms to be determined by the board.

Sec. 6. Transition. Members of the potato executive councils elected pursuant to the Maine Revised Statutes, Title 36, section 4603, subsection 3 and serving on the effective date of this Act continue