

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

to minor children ~~when the visitation is determined to be in the best interest of the child, or both, under such conditions that the court finds appropriate~~ as determined in accordance with the best interest of the child pursuant to section 1653, subsections 3 to 6. The court's ~~custody and visitation~~ award of parental rights and responsibilities or rights of contact is not binding in any separate action involving an award of parental rights and responsibilities pursuant to chapter 55 or in a similar action brought in another jurisdiction exercising child custody jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act;

See title page for effective date.

CHAPTER 274

H.P. 998 - L.D. 1335

An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry

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

Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1999, c. 389, §§1 to 3 and affected by §4, is further amended by amending subparagraphs (42) and (43) to read:

(42) Services performed by participants enrolled in programs or projects under the national service laws including the federal National and Community Service Act of 1990, as amended, 42 United States Code, Section 12501 et seq., and the federal Domestic Volunteer Service Act, as amended, 42 United States Code, Section 4950 et seq.; ~~and~~

(43) Services of an author in furnishing text or other material to a publisher who:

- (a) Does not control the author's work except to propose topics or to edit material submitted;
- (b) Does not restrict the author from publishing elsewhere;
- (c) Furnishes neither a place of employment nor equipment for the author's use;
- (d) Does not direct or control the time devoted to the work; and

(e) Pays only for material that is accepted for publication; ~~and~~

Sec. 2. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 1999, c. 389, §§1 to 3 and affected by §4, is further amended by enacting subparagraph (44) to read:

(44) Services provided by an owner-operator of a truck or truck tractor while leased to a motor carrier, as defined in 49 Code of Federal Regulations, 390.5 (2000), as long as that employment is not subject to federal unemployment tax.

See title page for effective date.

CHAPTER 275

H.P. 554 - L.D. 709

An Act Regarding Ancient Execution Liens

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

PART A

Sec. 1. 14 MRSA §4651-A, sub-§6, as enacted by PL 1987, c. 184, §23, is amended to read:

6. Filing during pendency of attachment; date of perfection. If a lien created by this section is filed or recorded during the pendency of any prejudgment or post-judgment attachment obtained in the underlying civil action against property subject to the lien, the effective date of the lien in the property ~~shall~~ **must** relate back to the date of perfection of the attachment. The relation back ~~shall apply~~ **applies** only to that portion of the lien up to the amount of the attachment. The remainder of such a lien, and the full amount of ~~any~~ a lien created when no attachment is pending, ~~shall become~~ **becomes** effective and ~~be~~ perfected from the date of the filing or recording of the execution. ~~Any lien created pursuant to this section shall continue so long as the judgment in the underlying civil action, or any portion thereof, plus costs and interest, shall remain unpaid, undischarged or unreleased.~~

Sec. 2. 14 MRSA §4651-A, sub-§8 is enacted to read:

8. Duration of lien; renewal. A lien created pursuant to this section after the effective date of this subsection continues for a period of 20 years from the date of the filing of the writ of execution or of the recording of the writ of execution in the registry of deeds, unless the judgment is paid, discharged or released. A lien may be renewed once for a period of