

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2004 to March 30, 2005**

**FIRST SPECIAL SESSION**  
**April 4, 2005 to June 18, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 29, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 17, 2005**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

deceptive or misleading or that uses the name of a financial institution without that financial institution's express written permission unless the person discloses that the person does not have permission to use the financial institution's name and the person discloses that the person is not affiliated with the financial institution.

See title page for effective date.

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## CHAPTER 47

### S.P. 242 - L.D. 744

#### **An Act To Make Technical Changes to the Laws Establishing the Lincoln and Sagadahoc Multicounty Jail Authority**

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

**Whereas,** this legislation needs to take effect before the expiration of the 90-day period to allow the Lincoln and Sagadahoc Multicounty Jail Authority to issue bonds in a timely fashion; 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 §1851, sub-§4** is enacted to read:

**4. Establishment.** The Lincoln and Sagadahoc Multicounty Jail Authority is established as a public body corporate and politic and a public instrumentality of the counties, and the exercise by the authority of the powers conferred by this chapter must be deemed and held to be the performance of essential governmental functions.

**Sec. 2. 30-A MRSA §1910** is enacted to read:

#### **§1910. Liability**

The liability of the jail authority is governed by Title 14, chapter 741. A member of the jail authority, a member of a board of the jail authority and an employee of the jail authority are not subject to any personal liability for having acted in the service of their duty within the course and scope of membership

or employment to carry out a power or duty under this chapter.

**Sec. 3. Retroactivity.** Those sections of this Act that enact the Maine Revised Statutes, Title 30-A, section 1851, subsection 4 and section 1910 apply retroactively to December 8, 2003.

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

Effective April 8, 2005.

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## CHAPTER 48

### H.P. 189 - L.D. 250

#### **An Act To Make Technical Corrections to Maine's Appellate Jurisdiction Laws Concerning Involuntary Hospitalization**

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

**Sec. 1. 4 MRSA §105, sub-§3,** as enacted by PL 1999, c. 731, Pt. ZZZ, §3 and affected by §42, is amended to read:

**3. Appellate jurisdiction.** The Superior Court shall hear appeals as follows:

A. Administrative appeals brought pursuant to Title 5, chapter 375, subchapter ~~VII~~ 7 and the Maine Rules of Civil Procedure, Rules 80B and 80C; and

B. Appeals from the District Court:

(1) Brought pursuant to Title 14, section 6008;

(2) Brought pursuant to Title 14, chapter 738; ~~and~~

(3) As provided in Title 15, section 1-; and

(4) Brought pursuant to Title 34-B, section 3864, subsection 11.

**Sec. 2. 14 MRSA §1901, sub-§3,** as enacted by PL 1999, c. 731, Pt. ZZZ, §7 and affected by §42, is amended to read:

**3. Exceptions.** An appeal from the District Court is to the Superior Court in the case of:

A. An appeal in a forcible entry and detainer case, pursuant to section 6008 and the Maine Rules of Civil Procedure, Rule 80D(f); ~~and~~