

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.

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 59

H.P. 363 - L.D. 488

An Act To Clarify City Election Procedures

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

Whereas, current law regarding the announcement of elections is unclear as to the application of that law to city referenda when the municipal charter requirements are different; and

Whereas, it is important to clarify the method for calling city referenda; 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 §2551, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

§2551. Warrant or notice for city election

Except as otherwise required by municipal charter, each city election must be called by a warrant or by a notice of election posted in compliance with Title 21-A, section 621-A. The warrant must meet the requirements listed in Title 21-A, section 622-A.

Sec. 2. Retroactivity. This Act applies retroactively to all city elections held on or after January 1, 2003.

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

Effective April 21, 2005.

CHAPTER 60

H.P. 398 - L.D. 522

An Act To Provide the Same Exemption from Jury Duty to Veterinarians as Granted to Medical Doctors

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

Sec. 1. 14 MRSA §1211, as amended by PL 1985, c. 608, is further amended to read:

§1211. Disqualifications and exemptions from jury service

A prospective juror is disqualified to serve on a jury if ~~he~~ that prospective juror is not a citizen of the United States, 18 years ~~old~~ of age and a resident of the county, or is unable to read, speak and understand the English language. The following persons are exempt from serving as jurors: The Governor, judges, physicians and dentists providing active patient care; veterinarians with or in an active veterinary medicine practice, sheriffs, attorneys-at-law and all persons exempt under Title 37-B, section 185.

See title page for effective date.

CHAPTER 61

H.P. 293 - L.D. 391

An Act To Amend the Maine Motor Vehicle Franchise Board Laws

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

Sec. 1. 5 MRSA §9051, sub-§1, as amended by PL 1991, c. 885, Pt. D, §2, is further amended to read:

1. Adjudicatory proceeding. In any adjudicatory proceedings, except those proceedings involving correctional facilities, the Workers' Compensation Board, the Maine Motor Vehicle Franchise Board or the State Parole Board, the procedures of this subchapter ~~shall~~ apply.

Sec. 2. 10 MRSA §1187, sub-§1, as enacted by PL 2003, c. 356, §12, is amended to read:

1. Membership. The board consists of 7 regular members and 4 alternate members:

A. ~~Six~~ Ten members appointed by the Governor:

(1) Three regular members and 2 alternate members who are or have been franchised new motor vehicle dealers in the State of Maine;

(2) A regular member and an alternate member who ~~is~~ are or ~~has~~ have been ~~an~~ employee employees or representative representatives of a ~~franchisor~~ franchisors; and

(3) Two regular members and one alternate member who are members of the public; and

B. One regular member appointed by the Secretary of State who is not and has not been either a motor vehicle dealer or manufacturer representative and who is an attorney employed by the Secretary of State and assigned to the Bureau of Motor Vehicles.

Sec. 3. 10 MRSA §1187, sub-§3, as enacted by PL 2003, c. 356, §12, is amended to read:

3. Terms. ~~Appointments~~ Regular appointments to the board are for 5-year terms. A member may not serve more than 2 consecutive 5-year terms. The terms of the initial board members must be staggered, with 2 members serving a term of 3 years, 2 members serving a term of 4 years and 2 members serving a term of 5 years. Alternate members are appointed for 5-year terms. The term of the member who serves as chair is without limit.

Sec. 4. 10 MRSA §1188, sub-§§5 and 6, as enacted by PL 2003, c. 356, §12, are amended to read:

5. Interim order. Shall levy a civil penalty pursuant to section 1171-B, subsection 3 when a party to a complaint under this subchapter is found to have recklessly or knowingly failed, neglected or refused to comply with an interim order issued by the board; ~~and~~

6. Procedures. May appoint persons to be present at the deposition of out-of-state witnesses, administer oaths, issue subpoenas to compel the presence of witnesses or documents and authorize stenographic or recorded transcripts of proceedings; and

Sec. 5. 10 MRSA §1188, sub-§7 is enacted to read:

7. Alternate members. Alternates are empowered to hear cases and carry out other duties of the board when regular board members from the same category are unable or unwilling to carry out those duties. The chair shall select alternate members to perform duties under this subsection.

See title page for effective date.

CHAPTER 62

H.P. 366 - L.D. 491

An Act To Cure an Inconsistency Regarding Judgment Liens

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

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

1. Lien on real estate. The filing of an execution duly issued by ~~any a~~ court of this State or an attested copy thereof with a registry of deeds within ~~one year~~ 3 years after issuance of the execution ~~shall create~~ creates a lien in favor of each judgment creditor upon the right, title and interest of each judgment debtor in all real estate against which a mortgage would be duly perfected if filed in the registry and ~~which that~~ is not exempt from attachment and execution.

Sec. 2. 14 MRSA §4651-A, sub-§2, as amended by PL 1999, c. 699, Pt. D, §15 and affected by §30, is further amended to read:

2. Lien on personal property. The filing of an execution duly issued by ~~any a~~ court of this State or an attested copy thereof in the office of the Secretary of State within ~~one year~~ 3 years after issuance of the execution creates a lien in favor of each judgment creditor upon the right, title and interest of each judgment debtor in personal property ~~which that~~ is not exempt from attachment and execution and ~~which that~~ is of a type against which a security interest could be perfected by the filing of a financing statement with the office of the Secretary of State.

Sec. 3. 14 MRSA §4651-A, sub-§3, as amended by PL 1995, c. 65, Pt. A, §41 and affected by §153 and Pt. C, §15, is further amended to read:

3. Lien on motor vehicles. The filing of an execution duly issued by ~~any a~~ court of this State or an attested copy thereof where a proof of transfer would be delivered pursuant to Title 29-A, section 665, subsection 1, and delivery of an application pursuant to Title 29-A, section 657, within ~~one year~~ 3 years after issuance of the execution creates a lien in favor of each judgment creditor upon the right, title and interest of each judgment debtor in any motor vehicle for which a title certificate must be obtained pursuant to Title 29-A, chapter 7.

Sec. 4. 14 MRSA §4651-A, sub-§10 is enacted to read:

10. Validation of liens. Subject to subsections 5, 8 and 9, a lien filed pursuant to subsection 1, 2 or 3 is valid and enforceable if the execution was issued on or after September 29, 1995 and the lien was filed within 3 years of the issuance of the execution.

See title page for effective date.
