

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 TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

outside the right-of-way limits of the public way. This right does not apply to lands or easements as specified in subsection 2, paragraphs B, C, D and E.

Sec. 14. 35-A MRSA §3136, sub-§4, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

4. Commission approval required; certificate of public convenience and necessity; environmental factors. A location to be taken by eminent domain for such transmission or distribution lines must be approved by the commission before a transmission and distribution utility can exercise the right of eminent domain granted in subsection 1 or subsection 3. The commission may not approve a location to be taken by eminent domain for the construction, rebuilding or relocation of a transmission line that requires a certificate of public convenience and necessity under section 3132, unless the commission has issued a certificate of public convenience and necessity for that transmission line. Environmental factors to be considered for proper location of a transmission line are not subject to review by the commission under this section when the location of the transmission line has received site location of development approval under Title 38, section 484.

See title page for effective date.

CHAPTER 149

S.P. 117 - L.D. 373

An Act To Change the Membership of the Maine Indian Tribal-State Commission To Add Seats for the Houlton Band of Maliseet Indians and the State

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

Sec. 1. 30 MRSA §6212, sub-§1, as amended by PL 1993, c. 600, Pt. A, §24 and as affected by §25, is further amended to read:

1. Commission created. The Maine Indian Tribal-State Commission is established. The commission consists of 9 ~~13~~ members, ~~4~~ 6 to be appointed by the Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, 2 to be appointed by the Houlton Band of Maliseet Indians, 2 to be appointed by the Passamaquoddy Tribe, 2 to be appointed by the Penobscot Nation and a chair, to be selected in accordance with subsection 2. The members of the commission, other than the chair, each serve for a term of 3 years and may be reappointed. In the event of the death, resignation or

disability of a member, the appointing authority may fill the vacancy for the unexpired term.

Sec. 2. 30 MRSA §6212, sub-§2, as amended by PL 1993, c. 600, Pt. A, §24 and as affected by §25, is further amended to read:

2. Chair. The commission, by a majority vote of its 8 ~~12~~ members, shall select an individual who is a resident of the State to act as chair. When 8 ~~12~~ members of the commission by majority vote are unable to select a chair within 120 days of the first meeting of the commission, the Governor, after consulting with the ~~governors~~ chiefs of the Houlton Band of Maliseet Indians, the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. In the event of the death, resignation or disability of the chair, the commission may select, by a majority vote of its 8 ~~12~~ remaining members, a new chair. When the commission is unable to select a chair within 120 days of the death, resignation or disability, the Governor, after consulting with the ~~governors~~ chiefs of the Houlton Band of Maliseet Indians, the Penobscot Nation and the Passamaquoddy Tribe, shall appoint an interim chair for a period of one year or for the period until the commission selects a chair in accordance with this section, whichever is shorter. The chair is a full-voting member of the commission and, except when appointed for an interim term, shall serve for 4 years.

Sec. 3. 30 MRSA §6212, sub-§3, as amended by PL 1993, c. 600, Pt. A, §24 and as affected by §25, is further amended to read:

3. Responsibilities. In addition to the responsibilities set forth in this Act, the commission shall continually review the effectiveness of this Act and the social, economic and legal relationship between the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation and the State and shall make such reports and recommendations to the Legislature, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe and the Penobscot Nation as it determines appropriate.

~~Seven~~ Nine members constitute a quorum of the commission and a decision or action of the commission is not valid unless 5 ~~7~~ members vote in favor of the action or decision.

Sec. 4. Contingent effective date. This Act does not take effect unless, within 60 days after the adjournment of the First Regular Session of the 123rd Legislature, the Secretary of State receives written certification from the Houlton Band Council of the Houlton Band of Maliseet Indians that the band has agreed to the provisions of this Act, written certification by the Tribal Chief and the Council of the Penobscot Nation that the nation has agreed to the provisions

of this Act and written certification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(2), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House and the Revisor of Statutes, except that in no event may this Act take effect until 90 days after adjournment of the Legislature.

See title page for effective date, unless otherwise indicated.

CHAPTER 150

H.P. 515 - L.D. 666

An Act To Amend Maine's Abandoned Vehicle Laws

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

Sec. 1. 29-A MRSA §1851, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Towed because illegally parked or left standing or at officer's discretion. Towed pursuant to section 2068 or 2069 or at the direction of a law enforcement officer;

Sec. 2. 29-A MRSA §1852, as amended by PL 1999, c. 137, §1, is further amended to read:

§1852. Abandonment defined

For the purposes of this subchapter, a vehicle is considered "abandoned" if the owner or lienholder does not retrieve it and pay all reasonable charges for towing, storing and authorized repair of the vehicle within ~~14~~ 7 days after the ~~notice~~ notices to the owner and lienholder are sent by the Secretary of State or ~~14~~ 7 days after the advertisement is published as required in section 1854, subsection 4. There is a rebuttable presumption that the last owner of record of a motor vehicle found abandoned as shown in the files of the office of the Secretary of State is the owner of the motor vehicle at the time it was abandoned and the person who abandoned it.

Sec. 3. 29-A MRSA §1854, sub-§1, as amended by PL 1999, c. 137, §1, is further amended to read:

1. Notification in writing. The owner of the premises where an abandoned vehicle is located or the owner's agent shall notify the Secretary of State that the owner or the owner's agent is in possession of an abandoned vehicle. The notification must be in writing and on a form provided by the Secretary of State.

Sec. 4. 29-A MRSA §1854, sub-§2, as amended by PL 1999, c. 137, §1, is further amended to read:

2. Contents of notification. This notification must include the vehicle's make, model, year, body type, vehicle identification number and any registration and plates on the vehicle. This notification also must include the date the vehicle came into possession of the owner, the owner's agent or person in charge of the premises where the vehicle is located, under what circumstances the vehicle came into that person's possession and whether the vehicle is salvage.

Sec. 5. 29-A MRSA §1854, sub-§4, ¶B, as amended by PL 1999, c. 137, §1, is further amended to read:

B. State that if the owner of the vehicle or lienholder has not properly retrieved it and paid all reasonable charges for its towing, storage and repair within ~~14~~ 7 days from the publication, ownership of the vehicle ~~will pass~~ passes to the owner of the premises where the vehicle is located; and

Sec. 6. 29-A MRSA §1856, sub-§1, as amended by PL 1999, c. 137, §3, is further amended to read:

1. Evidence of compliance. A person who has complied with section 1854, subsection 4 shall present evidence of compliance to the Secretary of State immediately after the ~~14-day~~ 7-day notice period. The Secretary of State may not issue a letter of ownership or certificate of title until at least ~~30~~ 21 days after the date on which the person who has possession of and control over the vehicle notified the Secretary of State by complying with section 1854, subsections 1 and 2.

Sec. 7. 29-A MRSA §1857, as amended by PL 1999, c. 137, §3, is further amended to read:

§1857. Limits

If the notification to the Secretary of State required by section 1854 is made more than ~~30~~ 7 days after receipt of a vehicle described in section 1851, the person holding the vehicle may not collect more than ~~30~~ 7 days of storage fees. Daily storage charges must be reasonable and total storage charges may not exceed ~~\$600~~ \$900 for a 30-day period.

Sec. 8. 29-A MRSA §1858, as amended by PL 1995, c. 65, Pt. A, §103 and affected by §153 and Pt. C, §15, is further amended to read:

§1858. Abandonment of vehicle on public way

Abandonment of a vehicle on a public way is a traffic infraction for which a fine of not less than \$250 must be assessed. A person who is found to have abandoned a vehicle under this section is responsible for any towing or other charges that are directly related to the abandonment of the vehicle.