

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

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.

Sec. 9. 29-A MRSA §1861 is enacted to read:
§1861. Holding vehicle and its accessories

A person holding or storing an abandoned vehicle, holding or storing a vehicle towed at the request of the vehicle's operator, owner or owner's agent or holding or storing a vehicle stored at the request of a law enforcement officer may hold the vehicle and all its accessories, contents and equipment, not including the personal effects of the registered owner, until reasonable towing and storage charges of the person holding or storing the vehicle are paid.

For purposes of this section, "personal effects" includes medications, medical equipment, clothing, mail, child safety seats and similar items. Except for child safety seats, items attached to the vehicle and business equipment, machinery and tools are not considered personal effects.

See title page for effective date.

CHAPTER 151
H.P. 774 - L.D. 1056

An Act To Change Building Requirements for County Buildings and Land

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

Sec. 1. 30-A MRSA §121, sub-§1, ¶B, 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 further amended to read:

B. Fireproof buildings of brick or stone or other fire-resistant material, with separate fireproof rooms and suitable alcoves, cases or boxes for each office, for the safekeeping of records and papers belonging to the offices of:

- (1) The register of deeds;
- (2) The register of probate;
- (3) The register of insolvency; and
- (4) The clerk of courts;~~and~~

A registry that has permanent records located off-site is exempt from this paragraph if all permanent records, either in their original state or on archival-quality microfilm, that are stored off-site are in a secure fire-resistant facility with temperature and humidity controls suitable for long-term preservation, those records temporarily retained at the registry for copying are stored in

fire-resistant containers and the registry building meets applicable fire and life safety codes; and

See title page for effective date.

CHAPTER 152
H.P. 547 - L.D. 726

An Act To Provide Services for Adults with Diagnoses of Mental Retardation and Other Developmental Disabilities

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

Sec. 1. 34-B MRSA §5438 is enacted to read:
§5438. Services for adults with diagnoses of mental retardation and other developmental disabilities

To the extent possible using available resources, the department shall provide adults with diagnoses of mental retardation and other developmental disabilities choices from among an array of supports and services, including but not limited to: employment supports, personal supports, day programs and residential services. The department shall pursue appropriate resources for the supports and services needed by adults covered under this chapter.

Sec. 2. 34-B MRSA §17001, sub-§7 is enacted to read:

7. Council report. The council, pursuant to its duties under subsection 4, shall provide information from the comprehensive review and analysis of services, supports and other assistance for persons with disabilities required by 42 United States Code, Chapter 144, Section 15024 (c) (3) to the Legislature by January 31st of each year.

Sec. 3. Coordination of information and data by the Interdepartmental Committee on Transition. The departments represented by the Interdepartmental Committee on Transition, established in the Maine Revised Statutes, Title 5, section 12004-I, subsection 10-A, shall consider and evaluate methods to coordinate information and data that would facilitate the identification and tracking of the needs of persons with mental retardation, serious emotional disturbance, pervasive developmental disorder or other developmental disabilities and report recommendations to the Interdepartmental Committee on Transition, and the Interdepartmental Committee on Transition shall include the recommendations in its annual report pursuant to Title 20-A, section 7804, subsection 6.

See title page for effective date.