

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

(1) A prisoner in a county jail under final sentence of 72 hours or less and is assigned to work outside of the county jail;

(2) Employed by a private employer;

(3) Participating in a work release program;

~~(4) Sentenced to imprisonment with intensive supervision under Title 17-A, section 1261;~~

(5) Employed in a program established under a certification issued by the United States Department of Justice under 18 United States Code, Section 1761;

(6) Employed while in a supervised community confinement program pursuant to Title 34-A, section 3036-A; or

(7) Employed while in a community confinement monitoring program pursuant to Title 30-A, section 1659-A.

**Sec. 36. 39-A MRSA §203, sub-§1, ¶C**, as amended by PL 2009, c. 142, §18, is repealed.

**Sec. 37. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 17-A, section 1202, subsection 1-C applies only to a person who commits a crime on or after the effective date of this Act and is subsequently placed on probation for that crime.

**Sec. 38. Appropriations and allocations.** The following appropriations and allocations are made.

#### **CORRECTIONS, DEPARTMENT OF**

##### **Adult Community Corrections 0124**

Initiative: Allocates funds for the costs of processing out-of-state travel applications and the costs of extraditing probationers.

<b>OTHER SPECIAL REVENUE FUNDS</b>	<b>2013-14</b>	<b>2014-15</b>
All Other	\$10,313	\$13,750
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<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$10,313</b>	<b>\$13,750</b>

See title page for effective date.

## **CHAPTER 134**

### **S.P. 230 - L.D. 640**

#### **An Act Regarding Legal Representation in Certain Eviction Actions**

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

**Sec. 1. 4 MRSA §807, sub-§3, ¶P**, as amended by PL 2009, c. 480, §2 and amended by PL 2011, c. 657, Pt. W, §5, is further amended to read:

P. A person who is not an attorney but who, as the executive director of the State Harness Racing Commission, is representing the Department of Agriculture, Conservation and Forestry at adjudicatory hearings before the commission in accordance with Title 8, section 263-C; ~~or~~

**Sec. 2. 4 MRSA §807, sub-§3, ¶Q**, as enacted by PL 2009, c. 480, §3, is amended to read:

Q. A person who is an attorney admitted to practice in another United States jurisdiction to the extent permitted by rules of professional conduct adopted by the Supreme Judicial Court; ~~or~~

**Sec. 3. 4 MRSA §807, sub-§3, ¶R** is enacted to read:

R. A person who is the sole member of a limited liability company or is a member of a limited liability company that is owned by a married couple or registered domestic partners who is not an attorney but is appearing for that company in an action for forcible entry and detainer pursuant to Title 14, chapter 709.

This paragraph is repealed September 1, 2016.

See title page for effective date.

## **CHAPTER 135**

### **H.P. 400 - L.D. 581**

#### **An Act To Amend the Laws Governing Service of Process in Eviction Actions**

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

**Sec. 1. 14 MRSA §6004** is repealed and the following enacted in its place:

##### **§6004. Commencement of action**

Until September 1, 2016, the process of forcible entry and detainer must be commenced and service

made in the same manner as other civil actions, except that if at least 3 good faith efforts on 3 different days have been made to serve the defendant, service may be accomplished by both mailing the summons and complaint by first-class mail to the defendant's last known address and leaving the summons and complaint at the defendant's last and usual place of abode. If service has been made by mailing and posting the summons and complaint, the plaintiff shall file with the court an affidavit demonstrating that compliance with the requirement of service has occurred. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable. This paragraph is repealed September 1, 2016.

Beginning September 1, 2016, the process of forcible entry and detainer must be commenced and service made in the same manner as other civil actions. When the plaintiff lives out of the State and a recognizance is required of the plaintiff, any person may recognize in the plaintiff's behalf and is personally liable.

See title page for effective date.

## CHAPTER 136

### H.P. 419 - L.D. 600

#### **An Act To Include Archery Hunting Licenses among the Complimentary Licenses Issued to a Member of a Federally Recognized Indian Tribe, Nation or Band**

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

**Sec. 1. 12 MRSA §10853, sub-§8,** as amended by PL 2011, c. 327, §1, is further amended to read:

**8. Members of federally recognized nation, band or tribe.** The commissioner shall issue a hunting, trapping and fishing license, including an archery hunting license under this chapter, and including permits, stamps and other permission needed to hunt, trap and fish, to a person, 10 years of age or older, who is an enrolled member of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians or the Aroostook Band of Micmacs that is valid for the life of that person without any charge or fee pursuant to section 11109, if the person presents certification from the respective reservation governor or the Aroostook Micmac Council stating that the person described is an enrolled member of a federally recognized nation, band or tribe listed in this subsection. Holders of these licenses are subject to this Part, including, but not limited to, a lottery or drawing system for issuing a particular license or permit. Members of

a federally recognized nation, band or tribe listed in this subsection are exempt from the trapper evaluation program required for a license under section 12201 and the archery hunter education course under section 11106.

See title page for effective date.

## CHAPTER 137

### H.P. 122 - L.D. 147

#### **An Act Regarding Adoption**

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

**Sec. 1. 18-A MRSA §9-308, sub-§(a),** as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

**(a).** The court shall grant a final decree of adoption if the petitioner who filed the petition has been heard or has waived hearing and the court is satisfied from the hearing or record that:

- (1). All necessary consents, relinquishments or terminations of parental rights have been duly executed and filed with the court;
- (2). An adoption study, when required by section 9-304, has been filed with the court;
- (3). A list of all disbursements as required by section 9-306 has been filed with the court;
- (4). The petitioner is a suitable adopting parent and desires to establish a parent and child relationship with the adoptee;
- (5). The best interests of the adoptee are served by the adoption; and
- (6). All other requirements of this article have been met.

See title page for effective date.

## CHAPTER 138

### S.P. 62 - L.D. 173

#### **An Act To Remove the Rangeley Plantation Sanctuary from the List of Wildlife Sanctuaries**

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

**Sec. 1. 12 MRSA §12706, sub-§1, ¶Z,** as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.