

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

Augusta, Maine
2013

tion from the academy, each of those governmental entities is liable to the governmental employer immediately preceding it for the training costs paid by that governmental entity under this subsection. The extent of financial liability must be determined according to the formula established by this subsection.

~~Reimbursement is not required when the corrections officer hired by a governmental entity has had employment with a prior governmental entity terminated at the discretion of the governmental entity.~~

Sec. 44. 25 MRSA §2809, first ¶, as amended by PL 2003, c. 510, Pt. C, §7, is further amended to read:

~~Beginning January 1, 1991, the~~ The board shall report annually to the joint standing committee of the Legislature having jurisdiction over criminal justice and public safety matters on the implementation and effectiveness of this chapter. The purpose of the report is to provide the Legislature annual information on the law governing law enforcement training in order to ensure that appropriate and timely training is accomplished. The report must include the following:

Sec. 45. 30-A MRSA §353, as amended by PL 2005, c. 541, §2 and affected by §3, is further amended to read:

§353. Officer not to act as attorney or draw papers; employee of jailer not to act as judge or attorney

An officer may not appear before any court as attorney or adviser of any party in an action or draw any writ, complaint, declaration, citation, process or plea for any other person; all such acts are void. A person employed by the keeper of a jail in any capacity may not exercise any power or duty of a judicial officer or act as attorney for any person confined in the jail; all such acts are void. Beginning April 15, 2006, if commissioned as a notary public and authorized to do so by the sheriff, an employee of a jail, other than a ~~part-time or full-time~~ corrections officer or a deputy sheriff, may, without fee, exercise any power or duty of a notary public for any person confined in the jail.

See title page for effective date.

**CHAPTER 148
H.P. 903 - L.D. 1264**

**An Act Allowing the
Harvesting of Yellow Perch
with Seines**

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

Sec. 1. 12 MRSA §12506, sub-§2, ¶¶B and C, as amended by PL 2007, c. 463, §6 and affected by §9, are further amended to read:

- B. Suckers and yellow perch using trap nets, dip nets or spears; ~~and~~
- C. Lampreys by hand or using hand-held dip nets; ~~and~~

Sec. 2. 12 MRSA §12506, sub-§2, ¶E is enacted to read:

- E. Yellow perch using seines.

See title page for effective date.

**CHAPTER 149
H.P. 391 - L.D. 572**

**An Act Regarding Poker Runs
Operated by Organizations
Licensed To Conduct Games of
Chance**

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

Sec. 1. 17 MRSA §1835, sub-§8 is enacted to read:

8. Wager limit exception. Notwithstanding subsection 1, an organization that is licensed to conduct games of chance in accordance with this chapter is permitted to accept wagers up to \$50 per hand for a poker run. The organization must inform the Chief of the State Police 30 days in advance of the date when the organization intends to conduct a poker run with an increased wager limit. An organization is limited to 2 poker run events per calendar year in which wagers up to \$50 per hand are permitted. For the purposes of this subsection, "poker run" means a game of chance using playing cards that requires a player to travel from one geographic location to another in order to play the game.

See title page for effective date.

**CHAPTER 150
H.P. 636 - L.D. 912**

**An Act To Provide Another
Alternative to the Civil Order
of Arrest Process**

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

Sec. 1. 14 MRSA §3134, sub-§2, as amended by PL 1987, c. 708, §9, is repealed and the following enacted in its place:

2. Alternative methods. Prior to February 15, 2016, instead of requesting a civil order of arrest pursuant to subsection 1:

A. The judgment creditor may request the court to issue an order for appearance, and the court shall order the debtor to appear in court at a certain date and time for further disclosure proceedings. This order must be served upon the debtor in hand by the sheriff, who shall obtain from the debtor a personal recognizance bond to appear in court at the specified date and time; or

B. The creditor may proceed by way of a motion for contempt for failure to appear. This motion must be served upon the debtor with a contempt subpoena in the manner set forth in section 3136. If the debtor, after being duly served with a contempt subpoena, fails to appear at the time and place named in the contempt subpoena, the court may find the debtor in civil contempt and shall issue a civil order of arrest under section 3136, subsection 4 or, at the creditor's request, shall issue an order for appearance pursuant to paragraph A.

Beginning February 15, 2016, instead of requesting a civil order of arrest, the creditor may proceed by way of a motion for contempt for failure to appear. This motion must be served upon the debtor with a contempt subpoena in the manner set forth in section 3136. If the debtor, after being duly served with a contempt subpoena, fails to appear at the time and place named in the contempt subpoena, the court may find the debtor in civil contempt and shall issue a civil order of arrest under section 3136, subsection 4 or, at the creditor's request, shall issue an order for the debtor to appear in court at a certain date and time for further proceedings. The order must be served upon the debtor in hand by the sheriff, who shall obtain from the debtor the debtor's personal recognizance bond to appear in court at the specified date and time.

Sec. 2. 14 MRSA §3135, 4th and 6th ¶¶, as enacted by PL 2011, c. 177, §1, are amended to read:

If the debtor fails to appear at the time and place specified in a disclosure subpoena or contempt subpoena issued pursuant to section 3134, subsection 2 or in a personal recognizance bond obtained by the sheriff, clerk or court, and upon request of the judgment creditor, the court shall order the Department of Labor to provide the judgment creditor with the name and address of the current or most recent employer of the debtor, if any, together with the date the employer last reported wage information concerning the debtor and issue an additional civil order of arrest pursuant to section 3134 directing the sheriff to cause the debtor named in the order to be arrested and delivered to the District Court without obtaining from the debtor a personal recognizance bond. This paragraph is repealed February 15, 2016.

A debtor admitted to personal recognizance bond under this section or section 3134 shall date and sign the bond and provide the following information: date of birth, hair color, eye color, height, weight, gender, race, telephone number, name of employer, address of employer and days and hours of employment. This paragraph is repealed February 15, 2016.

Sec. 3. 14 MRSA §3135, as amended by PL 2011, c. 177, §1, is further amended by adding at the end 2 new paragraphs to read:

Beginning February 15, 2016, if the debtor fails to appear at the time and place specified in a personal recognizance bond obtained by the sheriff, clerk or court, and upon request of the judgment creditor, the court shall order the Department of Labor to provide the judgment creditor with the name and address of the current or most recent employer of the debtor, if any, together with the date the employer last reported wage information concerning the debtor and issue an additional civil order of arrest pursuant to section 3134 directing the sheriff to cause the debtor named in the order to be arrested and delivered to the District Court without obtaining from the debtor a personal recognizance bond.

Beginning February 15, 2016, a debtor admitted to personal recognizance bond under this section shall date and sign the bond and provide the following information: date of birth, hair color, eye color, height, weight, gender, race, telephone number, name of employer, address of employer and days and hours of employment.

See title page for effective date.

CHAPTER 151

S.P. 352 - L.D. 1038

An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act

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

Whereas, the State's Uniform Commercial Code, Article 4-A currently applies only to transfers of funds between commercial parties; and

Whereas, the federal Electronic Fund Transfer Act currently applies only to consumer wire transfers; and

Whereas, amendments to the federal Electronic Fund Transfer Act that govern remittance transfers and remittance transfers that are also electronic fund trans-