

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2014 to July 16, 2015

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

Augusta, Maine
2015

CHAPTER 271
H.P. 658 - L.D. 955

**An Act To Make Changes to
Laws Governing
Condominiums Regarding the
Display of Signs**

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

Sec. 1. 33 MRSA §576, sub-§10, as enacted by PL 1965, c. 357, is amended to read:

10. Restrictions. Such restrictions on and requirements respecting the use and maintenance of the units and the use of the common areas and facilities not set forth in the declaration as are designed to prevent unreasonable interference with the use of their respective units and of the common areas and facilities by the several unit owners. An association of unit owners may not include in its bylaws or declaration, or any rule adopted pursuant to the bylaws or declaration, or any deed a restriction that prohibits a unit owner from displaying on that unit owner's private property a sign that supports or opposes a candidate for public office or a referendum question during the period from 6 weeks prior to the date that a primary or general election or special election is held regarding that candidate or referendum question to one week after the election for that political candidate or vote for that referendum question is held.

Sec. 2. 33 MRSA §1603-106, sub-§(c) is enacted to read:

(c) An association may not include in its bylaws or declaration, or any rule adopted pursuant to the bylaws or declaration, or any deed a restriction that prohibits a unit owner from displaying on that unit owner's unit a sign that supports or opposes a candidate for public office or a referendum question during the period from 6 weeks prior to the date that a primary or general election or special election is held regarding that candidate or referendum question to one week after the election for that political candidate or vote for that referendum question is held.

See title page for effective date.

CHAPTER 272
H.P. 753 - L.D. 1092

**An Act To Prevent Abusive
Debt Collection Practices**

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

Sec. 1. 32 MRSA §11002, sub-§1-A is enacted to read:

1-A. Collection action. "Collection action" means a lawsuit or arbitration proceeding initiated to collect a debt from a consumer.

Sec. 2. 32 MRSA §11013, sub-§§6 to 8 are enacted to read:

6. Written requirement for payment schedule or settlement agreement. A debt collector may not enter into a payment schedule or settlement agreement regarding a debt unless the payment schedule or settlement agreement is either documented in open court, approved by the court and included in a court order or otherwise reduced to writing. If a payment schedule or settlement agreement is not included in a court order, the debt collector shall provide a written copy of the payment schedule or settlement agreement to the consumer within 10 business days of entering into the payment schedule or settlement agreement and the consumer need not make a payment on the payment schedule or settlement agreement until the written copy has been provided in accordance with this subsection.

7. Acting on time-barred debt. A debt collector may not initiate a collection action when the debt collector knows or reasonably should know that the collection action is barred by the limitations period as set forth in subsection 8.

8. Limitations period for debt collectors. A debt collector may not commence a collection action more than 6 years after the date of the consumer's last activity on the debt. This limitations period applies notwithstanding any other applicable statute of limitations, unless a shorter limitations period is provided under the laws of this State. Notwithstanding any other provision of law, when the applicable limitations period expires, any subsequent payment toward, written or oral affirmation of or other activity on the debt does not revive or extend the limitations period.

See title page for effective date.

CHAPTER 273
H.P. 895 - L.D. 1317

**An Act To Provide Expedited
Court Review of Child
Visitation Provisions for
Military Personnel on Duty out
of State**

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

Sec. 1. 19-A MRSA §1768, sub-§5 is enacted to read:

5. Military members; expedited enforcement of visitation provisions. Notwithstanding any other

provision of law, upon 2 days' notice to a custodial parent or upon such shorter notice as the court may order, a person who is subject to a child custody determination, is a resident of this State, is on active duty serving in the United States Armed Forces or in the National Guard and is either permanently stationed at a military, naval or National Guard post, station or base outside this State or deployed for military or National Guard service may appear and move for enforcement of visitation provisions of a child custody determination and, in that event, the court shall proceed to determine the motion as expeditiously as the ends of justice require.

See title page for effective date.

CHAPTER 274 H.P. 911 - L.D. 1342

An Act To Prohibit Unauthorized Custody Transfers of Children

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

Sec. 1. 17-A MRSA §553, sub-§1, as amended by PL 2001, c. 383, §68 and affected by §156, is further amended to read:

1. A person is guilty of abandonment of a child if, being a parent, guardian or other person legally charged with the long-term care and custody of a child ~~under 14 years of age~~, or being a person to whom the long-term care and custody of a child ~~under 14 years of age~~ has been expressly delegated:

A. The person leaves the child who is less than 14 years of age in a place with the intent to abandon the child. Violation of this paragraph is a Class D crime; ~~or~~

B. The person leaves the child who is less than 6 years of age in a place with the intent to abandon the child. Violation of this paragraph is a Class C crime-;

C. The person, with the intent to avoid or divest the person of permanent parental responsibility, places the child who is less than 18 years of age with or transfers the physical custody of the child to a nonrelative without court approval. Violation of this paragraph is a Class D crime; or

D. The person, with the intent to avoid or divest the person of permanent parental responsibility, places the child who is less than 6 years of age with or transfers the physical custody of the child to a nonrelative without court approval. Violation of this paragraph is a Class C crime.

Sec. 2. 17-A MRSA §553, sub-§5 is enacted to read:

5. It is an affirmative defense to a prosecution under subsection 1, paragraph C or D that the person, due to the incarceration, military service, medical treatment or incapacity of the person, temporarily placed the child or transferred the physical custody of the child for a designated short-term period with a specific intent and time period for the return of the child.

Sec. 3. 18-A MRSA §9-303, sub-§(a), as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is amended to read:

(a). A petition for adoption must be sworn to by the petitioner and must include:

- (1). The full name, age and place of residence of the petitioner and, if married, the place and date of marriage;
- (2). The date and place of birth of the adoptee, if known;
- (3). The birth name of the adoptee, any other names by which the adoptee has been known and the adoptee's proposed new name, if any;
- (4). The residence of the adoptee at the time of the filing of the petition;
- (5). The petitioner's intention to establish a parent and child relationship between the petitioner and the adoptee and a statement that the petitioner is a fit and proper person able to care and provide for the adoptee's welfare;
- (6). The names and addresses of all persons or agencies known to the petitioner that affect the custody, visitation or access to the adoptee;
- (7). The relationship, if any, of the petitioner to the adoptee;
- (8). The names and addresses of the department and the licensed child-placing agency, if any; ~~and~~
- (9). The names and addresses of all persons known to the petitioner at the time of filing from whom consent to the adoption is required-; ~~and~~
- (10). A statement that the petitioner acknowledges that after the adoption is finalized, the transfer of the long-term care and custody of the child without a court order is prohibited under Title 17-A, section 553, subsection 1, paragraphs C and D.

Sec. 4. 18-A MRSA §9-304, sub-§(h) is enacted to read:

(h). Before the adoption is decreed, the court shall ensure that the petitioners are informed that the transfer of the long-term care and custody of the child