

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 15, 2015

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

Augusta, Maine
2015

without a court order is prohibited under Title 17-A, section 553, subsection 1, paragraphs C and D.

Sec. 5. 18-A MRSA §9-308, sub-§(a), as amended by PL 2013, c. 137, §1, is further 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

(5-A). The petitioner has acknowledged that the petitioner understands that 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; and

(6). All other requirements of this article have been met.

Sec. 6. 18-A MRSA §9-313, as enacted by PL 1995, c. 694, Pt. C, §7 and affected by Pt. E, §2, is repealed and the following enacted in its place:

§9-313. Advertisement

1. Definitions. As used in this section, the following terms have the following meanings.

A. "Advertise" means to communicate by any public medium that originates within this State, including by newspaper, periodical, telephone book listing, outdoor advertising sign, radio or television or by any computerized communication system, including by e-mail, website, Internet account or any similar medium of communication provided via the Internet.

B. "Internet account" means an account created within a bounded system established by an Internet-based service that requires a user to input or store access information in an electronic device in order to view, create, use or edit the user's account information, profile, display, communications or stored data.

2. Advertising prohibited. A person may not:

A. Advertise for the purpose of finding a child to adopt or to otherwise take into permanent physical custody;

B. Advertise that the person will find an adoptive home or any other permanent physical placement for a child or arrange for or assist in the adoption, adoptive placement or any other permanent physical placement of a child;

C. Advertise that the person will place a child for adoption or in any other permanent physical placement; or

D. Advertise for the purpose of finding a person to adopt or otherwise take into permanent custody a particular child.

3. Exceptions. This section does not prohibit:

A. The department or a child placing agency from advertising in accordance with rules adopted by the department; or

B. An attorney licensed to practice in this State from advertising the attorney's availability to practice or provide services relating to the adoption of children.

4. Violation. A person who violates subsection 2 commits a civil violation for which a fine of not more than \$5,000 may be adjudged.

Sec. 7. 22 MRSA §4011-A, sub-§8 is enacted to read:

8. Required report of residence with non-family. A person required to make a report under subsection 1 shall report to the department if the person knows or has reasonable cause to suspect that a child is not living with the child's family. Although a report may be made at any time, a report must be made immediately if there is reason to suspect that a child has been living with someone other than the child's family for more than 6 months or if there is reason to suspect that a child has been living with someone other than the child's family for more than 12 months pursuant to a power of attorney or other nonjudicial authorization.

See title page for effective date.

CHAPTER 275

S.P. 180 - L.D. 451

An Act To Improve Disclosure Procedures

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

Sec. 1. 14 MRSA §3126-A, sub-§8 is enacted to read:

8. Order to Department of Labor. When it is shown upon ex parte motion and affidavit that the judgment debtor has failed to make 2 or more payments required by an installment payment order under this section, 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 judgment debtor, if any, together with the date the employer last reported wage information concerning the judgment debtor. The affidavit must specify the manner of application of all payments made pursuant to the installment payment order. An order directed to the Department of Labor under this section may be served by the judgment creditor by ordinary mail, accompanied by a reasonable fee set by the Department of Labor calculated to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations. The Department of Labor shall respond to the judgment creditor within 20 days after receipt of the court order.

Sec. 2. 14 MRSA §3134, sub-§2, as repealed and replaced by PL 2013, c. 150, §1, is amended to read:

2. Alternative methods. ~~Prior to February 15, 2016, instead~~ 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. 3. 14 MRSA §3135, 4th ¶, as amended by PL 2013, c. 150, §2, is further amended to read:

If the debtor fails to appear at the time and place specified in a notice of disclosure hearing in a small claims action or 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.

Sec. 4. 14 MRSA §3135, 5th ¶, as enacted by PL 2011, c. 177, §1, is amended to read:

An order directed to the Department of Labor under this section may be served by the judgment creditor by ordinary mail, accompanied by a reasonable fee set by the Department of Labor calculated to cover the full labor, overhead and other costs of administering the order pursuant to state rules and federal regulations. The Department of Labor shall respond to the judgment creditor within 20 days after receipt of the court order.

Sec. 5. 14 MRSA §3135, 6th ¶, as amended by PL 2013, c. 150, §2, is further amended to read:

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. 6. 14 MRSA §3135, 9th ¶, as enacted by PL 2013, c. 150, §3, is repealed.

Sec. 7. 14 MRSA §3135, last ¶, as enacted by PL 2013, c. 150, §3, is repealed.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

**LABOR, DEPARTMENT OF
Employment Security Services 0245**

Initiative: Transfers and reallocates the cost of one Office Associate II position from the Federal Expenditures Fund to Other Special Revenues Funds within the same program to support the increase in the volume of work related to court-ordered disclosures.

FEDERAL EXPENDITURES FUND	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	(1,000)	(1,000)
Personal Services	(\$96,489)	(\$101,189)
FEDERAL EXPENDITURES FUND TOTAL	(\$96,489)	(\$101,189)

Employment Security Services 0245

Initiative: Transfers and reallocates the cost of one Office Associate II position from the Federal Expenditures Fund to Other Special Revenues Funds within the same program to support the increase in the volume of work related to court-ordered disclosures.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
POSITIONS - LEGISLATIVE COUNT	1,000	1,000
Personal Services	\$96,489	\$101,189
OTHER SPECIAL REVENUE FUNDS TOTAL	\$96,489	\$101,189

Employment Security Services 0245

Initiative: Allocates funds associated with the All Other costs to support the increase in the volume of work related to court-ordered disclosures.

OTHER SPECIAL REVENUE FUNDS	2015-16	2016-17
All Other	\$15,175	\$15,649
OTHER SPECIAL REVENUE FUNDS TOTAL	\$15,175	\$15,649

LABOR, DEPARTMENT OF

DEPARTMENT TOTALS	2015-16	2016-17
FEDERAL EXPENDITURES FUND	(\$96,489)	(\$101,189)
OTHER SPECIAL REVENUE FUNDS	\$111,664	\$116,838

DEPARTMENT TOTAL - \$15,175 \$15,649
ALL FUNDS

See title page for effective date.

CHAPTER 276

S.P. 430 - L.D. 1203

An Act To Address the Detrimental Effects of Abandoned Property

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

Sec. 1. 30-A MRSA §3106-A is enacted to read:

§3106-A. Municipal authority to manage abandoned properties

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Property defects" means the conditions that, in the judgment of the municipality, contribute to blight as a result of the continued lack of care, maintenance or security of a property.

B. "Responsible parties" means the owner or owners of record.

2. Municipal authority. In accordance with this section, the municipal officers or the officers' designee may regulate the care, maintenance and security of property determined to be abandoned under subsection 4, if the responsible parties fail to address the property defects after notice and an opportunity to comply. The municipality may recover its costs from the responsible parties. The authorities established by this section may not be construed to replace or supplant any municipal authority to provide for basic necessities under Title 14, section 6026-A or address dangerous properties under Title 17, chapter 91, subchapter 4. Municipal action under this section may not be interpreted to bestow any responsibility on the municipality to safeguard or otherwise preserve or protect abandoned property.

3. Notice of foreclosure; designation of representative. When initiating a foreclosure action on a property, a foreclosing mortgagee shall notify the municipality where the property is situated and designate an in-state representative responsible for the property.

4. Determination of abandonment. Before a municipality may initiate corrective action measures to address property defects pursuant to this section, either a court or the municipal officers must have determined that the property has been abandoned according to the evidence of abandonment described in Title 14, sec-