

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

FIRST SPECIAL SESSION
October 23, 2017 to November 6, 2017

SECOND REGULAR SESSION
January 3, 2018 to May 2, 2018

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 5, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2018

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

Augusta, Maine
2018

F. The motivation of the parties involved and their capacities to give the child love, affection and guidance;

G. The child's adjustment to the child's present home, school and community;

H. The capacity of the parent and grandparent to cooperate or to learn to cooperate in child care;

I. Methods of assisting cooperation and resolving disputes and each person's willingness to use those methods;

J. Any other factor having a reasonable bearing on the physical and psychological well-being of the child; and

K. The existence of a grandparent's conviction for a sex offense or a sexually violent offense as those terms are defined in Title 34-A, section 11203.

Sec. 5. 19-A MRSA §1804, first ¶, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

The court may refer the parties to mediation at any time after ~~the petition is filed~~ a court determination pursuant to section 1803, subsection 2, paragraph C that the grandparent has standing and may require that the parties have made a good faith effort to mediate the issue before holding a hearing. If the court finds that either party failed to make a good faith effort to mediate, the court may order the parties to submit to mediation, dismiss the action or any part of the action, render a decision or judgment by default, assess attorney's fees and costs or impose any other sanction that is appropriate in the circumstances. The court may also impose an appropriate sanction upon a party's failure without good cause to appear for mediation after receiving notice of the scheduled time for mediation.

Sec. 6. 19-A MRSA §1806 is enacted to read:

§1806. Other actions

Nothing in this chapter limits a grandparent's ability to file any action not governed by the provisions of this chapter with respect to a child, including but not limited to an action to establish de facto parentage of a child under section 1891, an action for guardianship of a child under Title 18-A, Article 5 and a child protection petition under Title 22, section 4032, subsection 1, paragraph C.

See title page for effective date.

**CHAPTER 329
H.P. 1166 - L.D. 1678**

**An Act To Amend the Laws
Affecting the Judicial Branch
Regarding Railroad Trespass
Civil Violations and Fines for
Civil Violations**

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

Sec. 1. 4 MRSA §171-A, sub-§2, as enacted by PL 1991, c. 733, §1, is amended to read:

2. Civil violations. When a complaint is made to the proper officer of the District Court charging a person with the commission of a civil violation other than a traffic infraction, the officer of the District Court shall cause to be served upon the person a Uniform Summons and Complaint or other process in such form and under such circumstances as the Supreme Judicial Court shall by rule provide. The clerk of each division may accept an admission to a civil violation upon payment of a fine and surcharge in accordance with a schedule of violations, fines and surcharges, within the limits prescribed by law, established by the Chief Judge, which the Chief Judge may amend.

Sec. 2. 23 MRSA §7007, sub-§3, ¶¶A to C, as amended by PL 2015, c. 204, §1, are further amended to read:

A. A person who violates subsection 1 commits a ~~civil violation~~ traffic infraction for which a fine of not less than \$50 and not more than \$100 may be adjudged.

B. A person who violates subsection 1 after having previously violated subsection 1 commits a ~~civil violation~~ traffic infraction for which a fine of not less than \$250 and not more than \$500 may be adjudged.

C. A person who violates subsection 1 after having previously violated subsection 1 2 times commits a ~~civil violation~~ traffic infraction for which a fine of not less than \$750 and not more than \$1,000 may be adjudged.

See title page for effective date.

**CHAPTER 330
H.P. 1167 - L.D. 1679**

**An Act Regarding the Registry
of Deeds in Oxford County**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until

90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation affects the position of register of deeds for Oxford County and eliminates the position of western district register of deeds in Oxford County; and

Whereas, it is necessary that certain provisions of this legislation take effect immediately to ensure the Oxford County general elections in November 2018, and the associated June 2018 primary elections, are conducted in accordance with elimination of the western district register of deeds effective December 31, 2018; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 33 MRSA §702 is amended to read:

§702. Western district office in Oxford County

The Towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and ~~Stowe~~ Stow, in the County of Oxford, compose the western registry district of Oxford County and the register shall keep ~~his~~ the register's office at Fryeburg.

This section is repealed December 31, 2018.

Sec. 2. Register of deeds in Oxford County; November 2018 election. Notwithstanding the Maine Revised Statutes, Title 33, section 602, at the November 2018 general election, the legally qualified voters of Oxford County shall elect a single register of deeds for Oxford County to a 4-year term, and there may not be an election for a register of deeds for the western registry district of Oxford County described in Title 33, section 702.

Sec. 3. Western registry district transition; western subregistry. The register of deeds of the western registry district of Oxford County and the western district office in the Town of Fryeburg shall continue to operate and function as provided in the Maine Revised Statutes, Title 33, section 702 until December 31, 2018. Effective January 1, 2019, the Oxford County register of deeds shall maintain a western subregistry of deeds that maintains all records of the former western registry district. Except as provided in section 4 of this Act, the Oxford County register of deeds shall operate a western subregistry office in the Town of Fryeburg at the same location as the former western registry district office and the office must be open for recording and research activities during normal business hours.

Sec. 4. Conditions for closure of Oxford County western subregistry. The Oxford County Commissioners may close the western subregistry office in the Town of Fryeburg only if the commissioners have completed the following:

1. Conducted at least 2 public hearings in the area covered by the towns of Hiram, Porter, Brownfield, Denmark, Fryeburg, Sweden, Lovell, Stoneham and Stow; these hearings must be conducted at least 90 days prior to the vote conducted pursuant to subsection 2;
2. Voted to close the western subregistry office in Fryeburg on a date certain;
3. Duplicated all historical maps and plot plans on display or available at the western subregistry office and offered and provided copies of those maps and plot plans to member towns for display or for the towns to make them available at their town offices;
4. Made provisions for the preservation of, and public access to, the record books of the western subregistry of deeds;
5. Provided online access to all files and documents of the Oxford County registry of deeds and the western subregistry of deeds;
6. Made available electronic recording of documents in the Oxford County registry of deeds and the western subregistry of deeds; and
7. Provided electronic recording of documents at no additional cost or surcharge to the municipal governments in Oxford County.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective March 7, 2018.

CHAPTER 331

S.P. 617 - L.D. 1681

An Act To Correct a Technical Error Pertaining to the Dairy Improvement Fund

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 Maine Revised Statutes, Title 7, section 2910-B and Title 10, section 1023-P establish the Dairy Improvement Fund to provide loans to assist dairy farmers in making capital improvements to maintain and enhance the viability of their farms; and