

# 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.**

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**Augusta, Maine**  
**2018**

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This section is repealed December 31, 2018.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.

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**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

**Whereas**, a technical error during the initial creation of the fund resulted in a failure to provide for a base allocation of funds to the Finance Authority of Maine for the provision of loans and to pay the costs of administering the fund; and

**Whereas**, this allocation of funds is necessary to begin operation of the loan program immediately; 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. Appropriations and allocations.** The following appropriations and allocations are made.

**FINANCE AUTHORITY OF MAINE**

**Dairy Improvement Fund Z143**

Initiative: Provides a base allocation to authorize expenditures of funds received by the Finance Authority of Maine to provide loans to assist dairy farmers in making capital improvements and to pay the administrative costs of administering the fund.

OTHER SPECIAL REVENUE FUNDS	2017-18	2018-19
All Other	\$500	\$500
	\$500	\$500
OTHER SPECIAL REVENUE FUNDS TOTAL	\$500	\$500

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

Effective March 7, 2018.

**CHAPTER 332**

**S.P. 661 - L.D. 1776**

**An Act To Establish Requirements for Civil Deputies**

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

**Sec. 1. 14 MRSA §702**, as amended by PL 1987, c. 223, §1, is further amended to read:

**§702. Duty of sheriffs, deputies and civil deputies; fees**

Every sheriff and each of ~~his~~ the sheriff's deputies and civil deputies, as defined in Title 30-A, section 351, subsection 5, shall serve and execute, within ~~his~~ the sheriff's county, all writs and precepts issued by lawful authority ~~to him~~ directed and committed to the sheriff, including those in which a town, plantation, or parish of which the sheriff is a resident, or religious society or school district, of which ~~he~~ the sheriff is at the time a member, is a party or interested, but ~~his~~ the sheriff's legal fees for service ~~shall~~ must first be paid or secured to ~~him~~ the sheriff. If the fees are not paid or secured to ~~him~~ the sheriff when the process is delivered to ~~him~~ the sheriff, ~~he~~ the sheriff shall immediately return it to the plaintiff or attorney offering it; or if sent to ~~him~~ the sheriff by mail or otherwise, ~~he~~ the sheriff shall put it into ~~some~~ a post office within 24 hours, directed to the person sending it; otherwise ~~he~~ the sheriff waives ~~his~~ the sheriff's right to ~~his~~ the sheriff's fees before service.

**Sec. 2. 14 MRSA §709** is amended to read:

**§709. Service on deputy sheriff or civil deputy sheriff**

Any writ or precept in which the deputy or civil deputy, as defined in Title 30-A, section 351, subsection 5, of a sheriff is a party may be served by any other deputy or civil deputy of the same sheriff.

**Sec. 3. 30-A MRSA §104**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

**§104. Execution of process**

Sheriffs and their deputies and constables shall execute all legal processes directed to them by the commissioners. A civil deputy, as defined in section 351, subsection 5, shall serve civil process as directed by the sheriff.

**Sec. 4. 30-A MRSA §351, sub-§5** is enacted to read:

**5. Civil deputy.** "Civil deputy" means a deputy who meets the requirements for a civil deputy adopted by the sheriff and has been designated by the sheriff to enforce civil laws and serve civil process.

**Sec. 5. 30-A MRSA §381, sub-§6** is enacted to read:

**6. Exceptions for civil deputies.** The provisions of subsections 1 to 5 do not apply to civil deputies. The sheriff may designate one or more persons to serve as civil deputies to enforce civil laws and serve civil process in accordance with the state rules of court. A civil deputy holds no other law enforcement powers. A civil deputy is compensated under section 386, subsection 4. The sheriff may adopt rules, proce-