

MAINE STATE LEGISLATURE

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(Emergency)
New Draft of: S. P. 692, L. D. 2132
SECOND REGULAR SESSION

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 2199

S. P. 748

In Senate, March 15, 1978

Reported by Senator Curtis, of Penobscot, from the Committee on Judiciary and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-EIGHT

**AN ACT to Make Additional Corrections of Errors and Inconsistencies in the Laws
of Maine.**

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary such uncertainties and confusion be resolved in order to prevent any injustice or hardship on the citizens of Maine; 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,

Sec. 163. 14 MRSA § 704-A, sub-§ 2, ¶ B, as enacted by PL 1975, c. 770, § 80, is amended to read:

B. Doing or causing a tortious act to be done, or causing the consequences ~~for~~ of a tortious act to occur within this State;

Sec. 164. 14 MRSA § 704-A, sub-§ 2, ¶ I, as enacted by PL 1975, c. 770, § 80, is amended to read:

I. Maintain any other relation to the State or to persons or property which affords a basis for the exercise ~~and of~~ jurisdiction by the courts of this State consistent with the Constitution of the United States.

Sec. 165. 14 MRSA § 6021, sub-§ 4, ¶ B, first sentence, as enacted by PL 1977, c. 401, § 4, is amended to read:

The court may determine the fair value of the use and occupancy of the dwelling unit by the tenant from the date when the landlord received actual notice of the condition until such time as the condition is repaired, and further ~~declared~~ **declare** what, if any, moneys the tenant owes the landlord or what, if any, rebate the landlord owes the tenant for rent paid in excess of the value of use and occupancy.

Sec. 166. 14 MRSA § 8102, sub-§ 1, as enacted by PL 1977, c. 2, § 2, is amended to read:

1. **Employee.** "Employee" means a person acting on behalf of the governmental entity in any official capacity, whether temporarily or permanently, and whether with or without compensation from local, state or federal funds, including elected or appointed officials, volunteer firefighters as defined in Title 30, section 3771, ~~and~~ rescue squad members where the rescue squad receives full or partial financial support from political subdivisions, **Maine National Guardsmen while in active state service under Title 37-A, sections 57 and 207 and while engaged in the Domestic Action Program**, but the term "employee" shall not mean a person or other legal entity acting in the capacity of an independent contractor under contract to the governmental entity.

Sec. 167. 15 MRSA § 391 is repealed.

Sec. 168. 15 MRSA § 942, sub-§ 4, as enacted by PL 1973, c. 760, is amended to read:

4. **Failure to appear; penalty.** Any person charged with an offense who has been ordered released ~~by a~~ pending trial on his personal recognizance, or on execution of an unsecured or secured appearance bond, who fails without just cause to appear before any court or judicial officer as required, shall be punished by a fine of not more than the maximum provided for the offense charged, or by imprisonment for not more than 6 months if the offense charged was ~~a~~