

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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decision which prohibits the applicant, licensee, registrant or permit holder from practicing the profession, trade or occupation if ~~such~~ that decision is based in whole or in part on conviction of any crime described in section 5301, subsection 2. ~~For purposes of subsection 1, paragraph B, successful completion of probation or parole supervision, or final discharge from any term of imprisonment without any subsequent conviction, shall constitute a rebuttable presumption of sufficient rehabilitation.~~

**Sec. 3. 5 MRSA §5303**, as enacted by PL 1975, c. 150, is repealed and the following enacted in its place:

**§5303. Time limit on consideration of prior criminal conviction**

**1. Three-year limits.** Except as set forth in this subsection and subsection 2, the procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation shall apply within 3 years of the applicant's or licensee's final discharge, if any, from the correctional system. Beyond the 3-year period, ex-offender applicants or licensees with no additional convictions are to be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions. There is no time limitation for consideration of an applicant's or licensee's conduct which gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action against a licensee.

**2. Ten-year limits.** For applicants to and licensees and registrants of the Board of Registration in Medicine, the Board of Osteopathic Examination and Registration, the Board of Dental Examiners, the State Board of Examiners of Psychologists, the State Board of Social Worker Licensure, the State Board of Nursing, the Board of Chiropractic Examination and Registration, and the State Board of Examiners in Physical Therapy, the following shall apply.

**A.** The procedures outlined in sections 5301 and 5302 for the consideration of prior criminal conviction as an element of fitness to practice a licensed profession, trade or occupation shall apply within 10 years of the applicant's or licensee's final discharge, if any, from the correctional system.

**B.** Beyond the 10-year period, ex-offender applicants or licensees with no additional convictions shall be considered in the same manner as applicants or licensees possessing no prior criminal record for the purposes of licensing decisions.

**C.** There is no time limitation for consideration of a registrant's, an applicant's or licensee's conduct which gave rise to the criminal conviction if that conduct is otherwise a ground for disciplinary action.

See title page for effective date.

## CHAPTER 85

H.P. 31 - L.D. 31

### An Act to Amend the Real Estate Licensure Laws

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

**Whereas**, recent legislation changed the requirements for a real estate license; and

**Whereas**, this same legislation allowed persons who had completed all requirements for licensure by July 1, 1988, to be licensed under the former provisions; and

**Whereas**, through a misunderstanding some of these people completed their requirements but did not make application; and

**Whereas**, these people are currently not eligible to practice real estate; 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:**

**38 MRSA §13239, sub-§5**, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

**5. Applications processed.** All license applications shall be processed according to the laws in effect on the date the application is received by the commission. License applications shall be processed according to former chapter 59 if the applicant has satisfactorily completed all requirements of that chapter by July 1, 1988. This deadline may be extended by the commission to July 1, 1989, for an applicant who has completed all requirements except for filing the license application, upon a showing of good cause for failure to meet the deadline of July 1, 1988.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective May 3, 1989.

## CHAPTER 86

H.P. 568 - L.D. 772

### An Act to Provide a Penalty on Delinquent Public Utilities

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

35-A MRSA §1510 is enacted to read:

**§1510. Penalty for failure to file**

1. Penalty. The commission may, after written notice, require a public utility which fails to file a report with the commission as required by this Title or fails to file for and secure approval or authorization of the commission before taking action as required by this Title to pay to the commission the sum of \$100 for each 30-day period, or portion of that period, that the public utility is delinquent after the mailing of the written notice. The penalty shall be paid at the time the utility files its report or files for approval or authorization. In no case may the penalty under this section exceed \$1,000.

2. Disposition of penalties. Penalties collected by the commission under this section shall be deposited in the Public Utilities Commission Reimbursement Fund under section 117.

See title page for effective date.

## CHAPTER 87

S.P. 323 - L.D. 860

### An Act Establishing the Rights of Tenants when the Landlord Fails to Pay Utility Bills

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

Sec. 1. 14 MRSA §6024-A is enacted to read:

**§6024-A. Landlord failure to pay for utility service**

If a landlord fails to pay for utility service in the name of the landlord, the tenant, in accordance with Title 35-A, section 706, may pay for the utility service and deduct the amount paid from the rent due to the landlord.

Sec. 2. 35-A MRSA §706, sub-§2, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

2. Disconnection of tenant. In every instance where the landlord has applied for and is granted utility service, the landlord is responsible for payment for that service with respect to any rental property. The utility may not demand payment from the tenant for utility service to the tenant because of the landlord's failure to pay for utility service rendered at the rental property. The utility may disconnect the tenant only after affording the tenant notice and opportunity to assume responsibility for future service in accordance with the rules of the commission. Any tenant who has assumed responsibility for future service under this section and paid all or any portion of the utility service for the rental property to a utility may deduct the amount paid from any rent due to the landlord.

See title page for effective date.

## CHAPTER 88

H.P. 267 - L.D. 379

### An Act to Amend the Small Claims Laws

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

Sec. 1. 14 MRSA §7484, sub-§1, as enacted by PL 1981, c. 667, §2, is repealed and the following enacted in its place:

1. Notice to defendant; notice to judgment debtor. The clerk shall cause all notices given to the defendant in a small claims action, including, but not limited to, notice of the claim, date, time and place of the hearing and notice of any disclosure hearing, to be sent by postpaid registered or certified mail, addressed to the last known post office address of the defendant. Notwithstanding any rule of procedure to the contrary, if service of the notice of disclosure hearing cannot be completed by mail, the clerk shall notify the judgment creditor unless the judgment creditor has given written authorization for service by the sheriff. Upon notice of lack of service on the judgment debtor, the judgment creditor may arrange to have service made on the judgment debtor personally, which shall be at the expense of the judgment debtor provided that, if the judgment debtor is found to be indigent at a disclosure hearing conducted under subsection 5, the judgment creditor shall pay the cost of service;

Sec. 2. 14 MRSA §7486 is enacted to read:

**§7486. Enforcement of money judgments in small claims actions; minimum monthly installment**

Notwithstanding section 3127, if at a disclosure hearing conducted pursuant to section 7484 it is determined that the defendant is not indigent, the presiding judge in a small claims action may assess a minimum \$15 monthly installment payment for the enforcement of a money judgment.

See title page for effective date.

## CHAPTER 89

H.P. 179 - L.D. 244

### An Act to Amend How Municipalities Designate Court Officers

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

4 MRSA §173, sub-§4, as amended by PL 1983, c. 742, is further amended to read:

4. Distribution of fees and fines. All law enforcement officers appearing for a scheduled trial in District Court at times other than their regular working hours, at the