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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

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