

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

order of a prosecuting official and whether or not they are called upon to give testimony, shall be compensated out of the General Fund on an hourly basis equal to that established by the State for their range and step level.

The court officer required to be present at an arraignment may be an officer other than the arresting officer, provided that the municipality has designated the officer to handle the arraignment caseload of that municipality. In addition, one or more municipalities may designate either a municipal law enforcement officer or a county law enforcement officer to represent the municipalities at arraignments on a rotating schedule.

The court shall pay any municipality a flat fee of \$20 for each day or part thereof that a municipal law enforcement officer, designated by the municipality as its court officer, is required to be physically present in a District Court in order to adequately handle such municipality's caseload. In addition, the court shall pay any municipality a flat fee of \$20 per day for every day or part thereof, but no more than \$20 for any one day, such municipality loses the services of one or more law enforcement officers because ~~such~~ the officer or officers are performing some act authorized or required by a District Court Rule of Criminal Procedure or is a witness in a criminal or traffic infraction case within the jurisdiction of the District Court. A municipality shall be deemed to have lost the services of a law enforcement officer when ~~such~~ the officer, who normally performs duties of patrolling or maintaining order, is physically unable to perform those duties of patrolling and maintaining order for ~~such~~ the municipality.

The sheriffs of the several counties shall designate and furnish deputy sheriffs to serve as bailiffs in each division of the District Court within their counties, if so requested by the Chief Judge.

Compensation for such service shall be paid by the District Court.

In those municipalities where a police officer has been furnished heretofore to serve as a bailiff, the Chief Judge may continue to authorize the use of a police officer as a bailiff and the municipality shall be compensated therefor by the District Court. A person now appointed to serve as bailiff may not serve as court officer for a municipal police department, as provided in this subsection.

See title page for effective date.

CHAPTER 90

S.P. 132 - L.D. 217

An Act to Define and Clarify the Authority of the Board of Dental Examiners to Promulgate Rules

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

Sec. 1. 32 MRSA §1073, sub-§2, as repealed and replaced by PL 1983, c. 378, §6, is repealed and the following enacted in its place:

2. Rules. Adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which are necessary for the implementation of this chapter. The rules may include, but need not be limited to, requirements for licensure, interviews for licensing and renewal, continuing education, inactive licensure status and use of general anesthesia.

Sec. 2. 32 MRSA §1084-A is enacted to read:

§1084-A. Continuing education

As a condition of renewal of a certificate to practice, a practitioner shall provide evidence of having successfully completed 40 hours of continuing education during the 2 years prior to application for renewal. To qualify as meeting this requirement, the education must relate to professional competency and relate to those aspects of the profession in which the practitioner is currently engaged. The board shall specify the desired content of the program of continuing education, establish criteria for approving providers of continuing education and approve those providers. The board shall specify the criteria for successful completion of a continuing education requirement. All actions by the board in the implementation of this program shall be by rule and shall follow the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

The board may indicate to an individual practitioner specific subject areas on which that practitioner's continuing education is to focus in the future. Providers shall be required to obtain and retain for 3 years a written course assessment from each student which shall be reviewed periodically by the board.

Sec. 3. 32 MRSA §1098-B is enacted to read:

§1098-B. Continuing education

As a condition of renewal of a certificate to practice, a practitioner shall submit evidence of successful completion of 20 hours of continuing education consisting of board-approved courses in the 2 years preceding the application for renewal. The board and the practitioners shall follow and be bound by the provisions of section 1084-A in the implementation of this section.

See title page for effective date.

CHAPTER 91

H.P. 153 - L.D. 205

An Act to Prohibit and Provide a Penalty for Trespass by Animals

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