

# 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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B. The maker, issuer or drawer fails to tender an amount equal to the amount of the check, draft or order, plus bank fees and mailing costs within 10 days of receiving the notice set forth in section 6073.

2. Failure to make restitution. If a judgment is made against a maker, issuer or drawer pursuant to subsection 1, paragraphs A and B and that person fails to make restitution on the date of judgment, the maker, issuer or drawer shall pay to the holder interest at the rate of 12% per annum from the date of dishonor and collection costs not to exceed \$40 or the face amount of the check, whichever is less. In the event of court action, the court after notice and the expiration of the 10 days, shall award reasonable attorney's fees.

3. Written agreement. Nothing in this chapter may be construed to limit the rights of parties to a written agreement.

**§6072. Satisfaction of claim**

1. Satisfaction of claim. Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff, as satisfaction of the claim, an amount of money equal to the amount of the check, draft or order; a reasonable handling fee; accrued interest; processing charges; collection costs equal to the face amount of the check, draft or order not to exceed \$40; and the incurred court and service costs.

2. Small claims action. An action under this section may be brought as a small claims action if the amount claimed does not exceed the jurisdictional limits for small claims action or may be brought in any other court that has jurisdiction.

**§6073. Notice for nonpayment**

The notice shall be in substantially the following form.

"A check, draft or order by you and made payable to ..... in the amount of ..... has not been accepted for payment by ..... which is the drawee bank designated on your check. The check is dated ..... and it is numbered ....."

You are CAUTIONED that unless you pay the amount of this check within 10 days after the date this letter is postmarked, you may have to pay the following additional costs:

- 1. Attorney fees;
- 2. Services costs;
- 3. Processing charges; and
- 4. Interest.

You are advised to make payment to ..... at the following address ....."

See title page for effective date.

**CHAPTER 358**

**S.P. 314 - L.D. 819**

**An Act to Provide Public Access to Records and Proceedings of Local and County Government Associations**

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

**Sec. 1. 1 MRSA §402, sub-§2, ¶B,** as repealed and replaced by PL 1987, c. 20, §1, is amended to read:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Vocational-Technical Institute System and any of its committees and subcommittees; and

**Sec. 2. 1 MRSA §402, sub-§2, ¶C,** as amended by PL 1987, c. 477, §1, is further amended to read:

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; and

**Sec. 3. 1 MRSA §402, sub-§2, ¶D** is enacted to read:

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities.

**Sec. 4. 1 MRSA §402, sub-§3,** as amended by PL 1987, c. 402, Pt. A, §1, is further amended to read:

**3. Public records.** The term "public records" shall ~~mean~~ mean any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental

business or contains information relating to the transaction of public or governmental business, except:

A. Records that have been designated confidential by statute;

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding;

C. Records, working papers and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the biennium in which the proposal or report is prepared;

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; and

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Vocational-Technical Institute System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B;

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; and

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities.

See title page for effective date.

## CHAPTER 359

S.P. 370 - L.D. 994

### An Act Related to State Preemption of Firearms Regulation

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

25 MRSA c. 252-A is enacted to read:

#### CHAPTER 252-A

#### FIREARMS REGULATION

##### §2011. State preemption

1. Preemption. The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Except as provided in subsection 3, any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void.

2. Regulation restricted. Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies.

3. Exception. This section does not prohibit an order, ordinance, rule or regulation of any political subdivision which, with the exception of appropriate civil penalty provisions, conforms exactly with any applicable provision of state law or which regulates the discharge of firearms within a jurisdiction.

See title page for effective date.

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## CHAPTER 360

H.P. 980 - L.D. 1358

### An Act to Amend the Law Concerning Taxing of Costs in Civil Actions

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

14 MRSA §1502-D, as reallocated by PL 1985, c. 737, Pt. A, §36, is amended to read:

#### §1502-D. Taxing of costs; hearing

The clerk shall set costs under section 1502-B and interest under section 1602 to the extent they appear from