

# 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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to discuss the development of criteria common to the judiciary and the department.

The Supreme Judicial Court and the Department of Human Services shall report their findings and recommendations, including any legislative recommendations, to the Legislature by January 1, 1991.

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

Effective June 19, 1989.

## CHAPTER 366

H.P. 765 - L.D. 1069

### An Act Relating to Motor Vehicle Insurance Surcharges Due to License Suspension

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

Sec. 1. 24-A MRSA §2303-A is enacted to read:

§2303-A. Surcharge

No insurer may surcharge a motor vehicle insurance policy based on a motor vehicle operator's license suspension when that suspension is pursuant to Title 29, section 2241-G, subsection 2, paragraph B, subparagraph (2), except in accordance with this section. If the person had a blood-alcohol level of at least 0.05%, but less than 0.08% by weight, the surcharge shall be limited to 20%. If the person had a blood-alcohol level of at least 0.02% but less than 0.05% by weight, the surcharge shall be limited to 10%. If the policy covers multiple vehicles, the surcharge may only be applied to that portion of the rate attributable to a single vehicle.

Sec. 2. 29 MRSA §2241-G, sub-§2, ¶P is enacted to read:

P. Any suspension under this subsection shall, in any report to an insurance company or any member of the public, be expressly identified as such and distinguished from a suspension under section 1312 or section 2241-J.

See title page for effective date.

## CHAPTER 367

H.P. 1186 - L.D. 1653

### An Act to Amend the Antitrust Laws to Permit Suits by Indirect Purchasers

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

10 MRSA §1104, sub-§1, as enacted by PL 1987, c. 60, §1, is amended to read:

1. Right of action and damages. Any person, including the State or any political subdivision of the State, injured directly or indirectly in its business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by section 1101, 1102 or 1102-A, may sue for the injury in a civil action. If the court finds for the plaintiff, ~~he~~ the plaintiff shall recover 3 times the amount of the damages sustained and cost of suit, including necessary and reasonable investigative costs, reasonable experts' fees and reasonable ~~attorneys~~ attorney's fees.

See title page for effective date.

## CHAPTER 368

S.P. 635 - L.D. 1726

### An Act to Amend the Banking Code

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

**Whereas**, the Treasurer of State, Abandoned Property Division, is in the process of completing its audit of banks and other financial institutions; and

**Whereas**, the banks and other financial institutions are concerned with observing the statutory provisions against disclosure of confidential information to unauthorized persons; and

**Whereas**, the authority of the Abandoned Property Division for access to confidential records necessary for audit purposes is not totally clear; and

**Whereas**, it is in the public interest for those audits to be completed as expeditiously as possible; 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:

Sec. 1. 9-B MRSA §161, sub-§2, ¶I, as reenacted by PL 1985, c. 819, Pt. A, §14, is amended to read:

I. Any disclosure of records made pursuant to Title 22, section 16; or

**Sec. 2. 9-B MRSA §161, sub-§2, ¶J**, as enacted by PL 1985, c. 311, §4, is amended to read:

J. Any disclosure of records made under the Federal Currency and Foreign Transactions Reporting Act, Public Law 91-508, 31 United States Code, section 5311, et seq., as amended; or

**Sec. 3. 9-B MRSA §161, sub-§2, ¶K** is enacted to read:

K. The examination or furnishing of any financial records by a fiduciary institution to any officer, employee or agent of the Treasurer of State for use solely in the exercise of that officer's, employee's or agent's duties under the Unclaimed Property Act, Title 33, chapter 37.

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

Effective June 20, 1989.

## CHAPTER 369

S.P. 602 - L.D. 1688

### An Act to Amend Maine's Unclaimed Property Act

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

**Sec. 1. 33 MRSA §1818**, as enacted by PL 1987, c. 691, §4, is amended to read:

#### §1818. Tangible property held by landlords

**1. Presumption of abandonment.** Tangible and intangible property, held by a landlord, that has been left on the premises after a tenant has terminated tenancy or vacated the premises shall be presumed abandoned if it has not been claimed within 14 days after written notice has been sent by first class mail with proof of mailing to the last known address of the tenant.

**1-A. Property over \$1,000.** Tangible property presumed to be abandoned under this section which has a fair market value greater than \$1,000 shall be reported to the administrator as required by this Act. If the administrator refuses delivery of the property and authorizes a holder to sell that property, the landlord shall sell the property in accordance with any requirements imposed by the administrator and, in any event, for not less than \$1,000. After the sale of the property, the landlord shall pay the proceeds to the administrator in accordance with the provisions of this Act.

**2. Property worth more than \$100 but less than \$1,000.** Tangible property presumed to be abandoned under this section may be sold by the landlord at public auction if the fair market value of all property left by a tenant is \$100 or more, but less than \$1,000.

A. At least 14 days prior to sale, the landlord shall give notice to the owner or tenant:

- (1) Either personally or by certified mail; or
- (2) If that notice cannot be given after 3 reasonable attempts to do so, by publication in a newspaper of general circulation in the county in which the premises are located.

The notice shall give a description of the property, the time and place of sale and the right to claim the property.

B. The owner or tenant may claim this property at any time prior to actual sale.

C. After sale, the landlord shall record the name of the owner prior to the sale, a description of the property, the proceeds of the sale, any deductions authorized under paragraph D and the balance remaining.

D. The landlord may apply any proceeds from the sale to:

- (1) The expenses of notice and sale;
- (2) The amount of rent unpaid and due; and
- (3) The expense of damages to the premises by the tenant for which the landlord has not been compensated.

E. The balance from the sale and the records of the sale shall be reported and delivered to the administrator as if they were the property presumed abandoned.

**3. Property worth less than \$100.** Tangible property presumed to be abandoned under this section may be sold by the landlord in accordance with Title 14, section 6013, if the fair market value of the property left by the tenant is less than \$100.

**Sec. 2. 33 MRSA §1853, sub-§4**, as enacted by PL 1987, c. 691, §4, is amended to read:

**4. Refusal of tangible property.** The administrator may determine that notice and delivery of specific personal property is not in the best interest of the State, either because the sum or value is too small or for other good reason. If the administrator notifies the holder of that property of that determination within 120 days of receipt of the report required under section 1851, the administrator may exclude the property from the notices under section 1852 and may refuse to accept delivery and custody of that property. If the administrator refuses delivery of abandoned tangible property, the administrator may authorize the holder under terms and conditions specified by the administrator to sell the property and deliver the proceeds to the administrator. In establishing conditions whereby a holder may sell such property, the administrator shall protect the rights of the