

# 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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**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

owner to the same degree they would be protected if the property were delivered to the administrator.

See title page for effective date.

## CHAPTER 370

H.P. 1196 - L.D. 1663

### An Act to Clarify the Liability of Relatives for Support

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

22 MRSA §4319, as amended by PL 1983, c. 701, §5, is repealed and the following enacted in its place:

#### §4319. Liability of relatives for support

1. Relatives liable. A parent or grandparent living in or owning property in the State shall support persons for whom they are legally responsible in proportion to their respective ability. Liability for burial expenses is governed by section 4313.

2. Exception. A municipality or the State may decide not to make payments for rental assistance on behalf of an otherwise eligible individual when the rental payments would be made to a parent or grandparent, by consanguinity, unless the municipality finds that the rental arrangement has existed for 3 months prior to the application for assistance and is necessary to provide the parent or grandparent with basic necessities.

3. Recovery of assistance provided. A municipality or the State, after providing general assistance to a dependent of a legally responsible parent or grandparent who is financially capable of providing support, may then seek reimbursement or relief for that support by initiating a complaint to the Superior Court or District Court, including by small claims action, located in the division or county where the legally responsible parent or grandparent resides. The court may cause the legally responsible parent or grandparent to be summoned and upon hearing or default may assess and apportion a reasonable sum upon those who are found to be of sufficient ability for the support of the eligible person and shall issue a writ of execution. The assessment shall not be made to pay any expense for relief provided more than 6 months before the complaint was filed. Any action brought under this section shall be governed by the Maine Rules of Civil Procedure. The court may, from time to time, make any further order on complaint of a party interested and, after notice is given, alter the assessment or apportionment.

See title page for effective date.

## CHAPTER 371

H.P. 1192 - L.D. 1659

### An Act to Facilitate District Court Judicial Administration

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

Sec. 1. 5 MRSA §4653, sub-§3, as enacted by PL 1987, c. 515, §1, is amended to read:

3. Fees. No fee may be charged for forms or filing of a petition. A plaintiff may apply for the right to proceed in forma pauperis.

Sec. 2. 29 MRSA c. 16, as amended by PL 1987, c. 495, is repealed.

See title page for effective date.

## CHAPTER 372

S.P. 553 - L.D. 1556

### An Act to Provide Additional Protection in Cases of Domestic Abuse

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

Sec. 1. 15 MRSA §321, sub-§4, as enacted by PL 1983, c. 619, is amended to read:

4. Issuance of order. The clerk may issue, without fee, a copy of a protective order, amendment or revocation to the offender, the victim and, ~~as the court directs,~~ to the law enforcement agencies most likely to enforce it as determined by the court.

Sec. 2. 19 MRSA §767, as repealed and replaced by PL 1979, c. 677, §§14 and 18, is amended to read:

#### §767. Notification

The clerk shall issue, without fee, a copy of an order, agreement, amendment or revocation to the plaintiff, the defendant and, ~~as the court directs,~~ to the law enforcement agencies most likely to enforce it as determined by the court.

See title page for effective date.

## CHAPTER 373

H.P. 1112 - L.D. 1545

### An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1989-90