

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

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

**EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF**

Education in Unorganized Territory

Capital Expenditures \$650,000

Provides funds for the actual construction of a new school in Rockwood Strip Unorganized Territory Township. These funds will be reimbursed to the General Fund through the Unorganized Territory Education and Services Fund.

**DEPARTMENT OF EDUCATIONAL
AND CULTURAL SERVICES
TOTAL**

\$650,000

FINANCE, DEPARTMENT OF

Bureau of Taxation

Contractual Services \$12,000

Provides funds for the excavation of 3 gasoline tanks per order of the Department of Environmental Protection on a piece of tax-acquired property in the Unorganized Territory. These funds will be reimbursed to the General Fund from the Unorganized Territory Educational and Services Fund.

**DEPARTMENT OF FINANCE
TOTAL**

\$12,000

TOTAL APPROPRIATIONS

\$662,000

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

Effective June 20, 1989.

CHAPTER 374

H.P. 1097 - L.D. 1530

An Act to Clarify the Maine Municipal Bond Bank's and the Maine Public Utility Financing Bank's Ability to Hold, Own and Sell Real and Personal Property

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

Whereas, in the normal course of business it may be necessary for the Maine Municipal Bond Bank and the Maine Public Utility Financing Bank to hold, own or sell real or personal property; and

Whereas, current statutory provisions are, in the opinion of the banks' legal counsel, insufficient to clearly authorize such activity; and

Whereas, the need to be able to acquire, hold or dispose of real or personal property can occur at any time; and

Whereas, the Maine Municipal Bond Bank and the Maine Public Utility Financing Bank are also currently exploring the most financially practicable way to obtain office space which may include ownership; 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. 30-A MRSA §5954, sub-§1, ¶F, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, §§8 and 10, is further amended to read:

F. Acquire, rent, lease, hold, use and dispose of other personal and real property for its purposes;

Sec. 2. 35-A MRSA §2906, sub-§1, ¶F, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

F. To acquire, rent, lease, hold, use and dispose of other personal and real property for its purposes;

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

Effective June 20, 1989.

CHAPTER 375

S.P. 551 - L.D. 1522

An Act Concerning Fines Collected by the Courts

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

17-A MRSA §1341, sub-§1, as enacted by PL 1985, c. 752, §1, is amended to read:

1. Assessment. When a person is sentenced to incarceration in a county jail, the sentencing court shall consider and may assess as part of the sentence a reimburse-

ment fee to help defray the expenses of the offender's room and board. The fee may not exceed the cost of incarcerating the offender or \$20 per day, whichever is less. Any reimbursement fee assessed shall be collected by the county treasurer of the county in which the offender is incarcerated, and paid into the treasury of that county and credited to the county responsible for paying for the incarceration of the offender.

See title page for effective date.

CHAPTER 376

S.P. 533 - L.D. 1468

An Act to Prohibit the Irradiation Within the State of Food for Human or Animal Consumption

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

22 MRSA §2155, sub-§10, as enacted by PL 1987, c. 174, §4, is amended to read:

10. **Irradiated food.** For any person to knowingly sell irradiated food or to treat any food for human or animal consumption with gamma radiation or other ionizing radiation, except as part of a research project at any college, university or research institution.

See title page for effective date.

CHAPTER 377

S.P. 532 - L.D. 1467

An Act to Facilitate the Expedient Resolution of Certain Superior Court Cases

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

Whereas, the Law Court has recently decided that a party to a forcible entry and detainer action, an eviction action, has a constitutional right to a de novo trial by jury on appeal to the Superior Court after an initial judgment has been rendered by the District Court; and

Whereas, this newly recognized constitutional right to a jury trial could add substantially to the time and complexity inherent in resolving disputes between landlords and tenants and could add considerably to the costs of the parties and the court system involved with forcible entry and detainer actions; and

Whereas, there were over 3,000 forcible entry and detainer actions handled last year by the District Courts; and

Whereas, there are at present no statutes and no rules of court prescribing how the Superior Court should entertain these appeals and protect the rights of the parties during the pendency of an appeal; and

Whereas, principles of justice require that the constitutional right to a jury trial be provided without undue harm to the rights of the appellee and without undue disturbance of the balance of rights current law has struck between landlords and tenants; 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:

14 MRSA §6008, as amended by PL 1979, c. 172, §1, is further amended to read:

§6008. Appeals

Either party may appeal on questions of law from a judgment to the Superior Court as in other civil actions. Either party may appeal on any issue triable by right by a jury to a trial de novo in the Superior Court as provided in this section. ~~When the plaintiff appeals, he shall recognize in manner aforesaid to the defendant, except as otherwise provided, conditioned to enter the action and to pay all costs adjudged against him.~~ When the defendant appeals, the Superior Court Judge may stay the issuance of a writ of possession pending disposition of the appeal. The judge Superior Court shall, in all appropriate cases, condition the granting and continuation of the stay on the defendant's payment of the current rent for the premises into an escrow account to be administered by the clerk of the Superior Court and, in all appropriate cases, on the defendant's agreement to refrain from any nuisance or damage. Upon finding a violation of the conditions for granting the stay, the Superior Court shall vacate the stay. Upon application of either party, the Superior Court may authorize payments from the escrow account for appropriate expenses related to the premises. The appeal decision or an agreement of the parties shall provide for the disposition of the escrowed rent.

The procedures with respect to the appeal of an issue triable by right by a jury to a trial de novo in Superior Court shall be set forth in rules to be promulgated by the Supreme Judicial Court.

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

Effective June 20, 1989.