

# 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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FINANCE, DEPARTMENT OF

Bureau of the Budget

Telecommunications Reserve Account

All Other \$50,000

Provides funds for a reserve account to assist agencies in paying their share of central telephone switchboard operator salaries. These funds shall carry forward until June 30, 1991.

DEPARTMENT OF FINANCE TOTAL \$50,000

TOTAL APPROPRIATIONS (\$95,667) (\$147,513)

**Sec. 2. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1989-90 1990-91

ADMINISTRATION, DEPARTMENT OF

Office of Information Services

Telecommunications Division

Positions (7)  
Personal Services \$145,667 \$147,513

Allocates funds for the transfer of 7 positions involved with the central telephone switchboard.

DEPARTMENT OF ADMINISTRATION TOTAL \$145,667 \$147,513

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Plumbers' Examining Board

Positions (2)  
Personal Services \$47,000  
All Other 10,000  
Capital Expenditures 3,000  
TOTAL \$60,000

Allocates dedicated revenue, received from permit fees from the administration of Maine's internal plumbing code, which is transferred from the Department of Human Services to the Plumbers' Examining Board by this Act.

In addition, by July 1, 1989, the Department of Human Services shall transfer \$60,000 from the control over plumbing account to the Plumbers' Examining Board within the Department of Professional and Financial Regulation to support a State Plumbing Inspector position and a Clerk-typist III position needed by the board to administer the State's internal plumbing code.

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION TOTAL \$60,000

TOTAL ALLOCATIONS \$145,667 \$207,513

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

Effective June 27, 1989.

CHAPTER 484

H.P. 1225 - L.D. 1697

An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the General Assistance Laws

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

**Sec. 1. 14 MRSA §6001, sub-§3, ¶¶B and C,** as enacted by PL 1981, c. 428, §1, are amended to read:

B. Complained as an individual, or a complaint has been made in ~~his~~ that individual's behalf, in good faith, of conditions affecting ~~his~~ that individual's dwelling unit which may constitute a violation of a building, housing, sanitary or other code, ordinance, regulation or statute, presently or hereafter adopted, to a body charged with enforcement of that code, ordinance, regulation or statute, or such a body has filed a notice or complaint of such a violation; ~~or~~

C. Complained in writing or made a written request, in good faith, to the landlord or ~~his~~ the landlord's agent to make repairs on the premises as required by any applicable building, housing or sanitary code, or by section 6021, or as required by the rental agreement between the parties; ~~;~~ or

**Sec. 2. 14 MRSA §6001, sub-§3, ¶D** is enacted to read:

D. Been the beneficiary of general assistance paid into escrow pursuant to Title 22, section 4325. This paragraph is repealed on October 1, 1991.

**Sec. 3. 14 MRSA §6021, sub-§7** is enacted to read:

**7. Rights are supplemental.** The rights created by this section are supplemental to and in no way limit the power of a municipality under Title 22, section 4325. This subsection is repealed on October 1, 1991.

**Sec. 4. 14 MRSA §6029** is enacted to read:

**§6029. Discrimination based on general assistance escrow accounts prohibited**

**1. Discrimination prohibited.** It is unlawful for any landlord to discriminate against an individual in the price, terms, conditions, privileges or continuation of a rental agreement because the money otherwise due to the landlord is or was held in an escrow account pursuant to Title 22, section 4325.

**2. Relief.** Any violation of this section is unlawful housing discrimination under Title 5, section 4582, and any person aggrieved may assert that person's rights pursuant to Title 5, chapter 337.

**3. Sunset.** This section is repealed on October 1, 1991.

**Sec. 5. 22 MRSA §4325** is enacted to read:

**§4325. Municipal guarantee of safe, decent rental housing and residential neighborhoods**

**1. Repeated violations of municipal regulations; establishment of escrow.** If the code enforcement officer, or any other municipal official responsible for enforcing any municipal health, safety, housing, trash or sanitation regulation, certifies to the overseer that a landlord has been cited for repeated violations of those regulations, and that those violations were not wholly caused by a tenant, the municipality, on notice from the overseer, may place in escrow general assistance payments made as rent payments to that landlord in the manner specified by subsection 4. For the purposes of this section, "repeated violations" means at least 6 violations, of which at least 2 are separate violations of the same regulation, within any 4-week period.

**2. Notice to landlord.** Upon receipt of the certification under subsection 1, the overseer shall notify the landlord by inclusion of a notice with the next rent payment mailed to the landlord to the address where general assistance payments for rent are mailed that the landlord has been cited for repeated violations of municipal health, safety, housing, trash or sanitation regulations. The notice shall state that, if the landlord does not within 14 days of receipt of the notice correct problems for which the citations were issued and pay in full any fines or penalties due, or show that those problems have already been corrected and any related fines or penalties paid, general assistance payments made by the municipality as rent payments on behalf of tenants of that landlord shall be placed in escrow until the problems are corrected and outstanding fines or penalties paid in full.

**3. Hearing.** A landlord to whom the notice provided for by subsection 2 has been issued may request a hearing before the municipal officers within 10 days of the receipt of the notice. The municipal officers, or their designated representatives, acting as hearing officers, shall hold a hearing within 10 days of the request. A code enforcement officer or other municipal official responsible for enforcing health, housing, trash, sanitation and safety regulations may not act as a hearing officer, unless that person is an elected municipal officer, as defined in Title 30-A, section 2001, subsection 10. A landlord's request for a hearing stays establishment of the escrow provided for by subsection 2. The only issues to be determined at the hearing are whether:

A. The landlord has been cited for repeated violations of municipal health, safety, housing, trash and sanitation regulations;

B. There was good cause to issue each citation; and

C. The violations were wholly caused by a tenant.

The hearing officers shall issue a written finding within 2 days of the closing of the hearing. If the hearing officers find that the landlord was not cited for repeated violations, that there was not good cause to issue the citations or that the violations were wholly caused by a tenant, the general assistance payments for rent shall not be placed in escrow.

**4. Establishment of escrow.** If the hearing officers find that citations were issued to the landlord for repeated violations, that the violations were not wholly caused by a tenant and there was good cause to issue those citations, or the landlord did not request a hearing under subsection 3, the municipality shall immediately order the overseer to open an interest-bearing escrow account. The municipality shall deposit into that account all general assistance payments made by the municipality as rent on behalf of the landlord's tenants who live in buildings for which citations for repeated violations were issued. The municipality shall continue to deposit the payments until the overseer receives the certification under subsection 5. The municipality and the landlord shall enter into an escrow agreement which provides that the landlord is entitled to funds escrowed under this section upon the certification provided for by subsection 5.

A. The principal shall be paid to the landlord when the overseer and the landlord receive the certification under subsection 5.

B. The interest shall be paid to the municipality when the overseer and the landlord receive the certification under subsection 5.

C. Money paid by the municipality into the escrow account is reimbursable by the State as general assistance payments.

D. The municipality may authorize payment out of an escrow account established under this subsection for expenses and repairs immediately necessary to

correct conditions which endanger or materially impair the health or safety of tenants.

Provided that a tenant personally liable to pay a share of the rent is not in arrears for that share, a tenant shall not be considered in arrears for rent for the purposes of an eviction action for nonpayment of rent if provision is made for deposit into escrow of general assistance payments made for rent on the tenant's behalf in accordance with this section.

**5. Compliance; certification.** The code enforcement officer and any other municipal official responsible for enforcing municipal health, safety, housing, trash and sanitation regulations shall certify to the overseer and the landlord when a property for which repeated violations were issued, and concerning which an escrow was established under subsection 4, complies with all municipal health, safety, housing, trash and sanitation regulations.

**6. Supplemental rights.** Any rights created by this subsection are supplemental to and in no way limit the rights of a tenant under Title 14, section 6021 or 6029.

**7. Sunset.** This section is repealed on October 1, 1991.

See title page for effective date.

## CHAPTER 485

S.P. 651 - L.D. 1746

### An Act to Preserve the Integrity of the Land for Maine's Future Program

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

**Whereas,** it is the intention of the Legislature that the provisions of this Act apply to negotiations currently in progress; 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. 5 MRSA §6206-A** is enacted to read:

#### §6206-A. Nominations

The board shall not consider any nomination for proposed acquisition unless the nominator submits with the proposal affidavits from all owners of land in the proposed acquisition. Each affidavit shall state the landowner's interest in being considered by the board as a proposed acquisition.

**Sec. 2. 5 MRSA §6207-A** is enacted to read:

#### §6207-A. Use of eminent domain

The board may expend funds to acquire an interest in real property obtained by the use of eminent domain if the expenditure is approved by the Legislature or with the consent of the property owner.

**Sec. 3. 5 MRSA §6210** is enacted to read:

#### §6210. Data sharing

If the board transfers in writing to any local or federal agency any written information acquired by the board under this chapter concerning any land, the board shall, upon transfer, notify the landowner of the transfer by certified mail.

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

Effective June 27, 1989.

## CHAPTER 486

H.P. 1252 - L.D. 1751

### An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering

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

**Whereas,** in order for the nominations for appointment to the Commission on Biotechnology and Genetic Engineering to be made in a timely manner and for the work of the commission to begin prior to the expiration of the 90-day period, this legislation must be enacted as an emergency measure; 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. 5 MRSA §12004-I, sub-§20-A** is enacted to read:

20-A. Environ- Commission on Expenses 7 MRSA §231  
ment Biotechnology Only  
and Genetic  
Engineering