

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

1-A. Retaliation. The court may not order the termination of any tenancy if the tenant proves that the eviction action is primarily in retaliation for:

A. The tenant's participation in establishing, or membership in, an organization concerned with landlord-tenant relationships; or

B. The tenant's assertion of any right under this chapter.

See title page for effective date.

CHAPTER 651

H.P. 1569 - L.D. 2174

An Act to Require Notice of Charges for Use of Telephones Made Available for Public Use

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

Sec. 1. 35-A MRSA §7102, sub-§3 is enacted to read:

3. Public telephone. "Public telephone" means a telephone made available for voice message use by members of the transient or general public for compensation, including pay telephones and any telephones provided for the use of lodgers in or patrons of hotels, motels, hospitals, medical and convalescent care facilities, academic institutions, transportation terminals, government offices, public buildings, restaurants or other places of public accommodation or prisons and other confinement facilities.

Sec. 2. 35-A MRSA §7305 is enacted to read:

§7305. Notice of charges for use of public telephones

1. Notice of charges. Any person who owns, controls, operates or manages a public telephone shall provide a written notice within the immediate vicinity of the telephone and plainly visible to any person using the telephone. The notice must:

A. Identify the name, address and telephone number of the person who owns, controls, operates or manages the public telephone to whom complaints regarding that telephone may be directed;

B. Inform the person using the public telephone how to contact a local telephone company operator or "911" service operator in case of emergency;

C. Specify the rates or charges for use of the public telephone, including charges for local calls, intrastate calls, "800" or other toll-free calls, uncompleted calls, incoming calls, collect calls, 3rd-party calls and credit card calls; and

D. Contain the identity of the long-distance company that serves the public telephone, explain how the user of the public telephone may, at no charge, obtain information on the rates or charges imposed by the long-distance company, and any additional charges imposed on the user for long distance services.

2. Charges limited when no notice. Any person who owns, controls, operates or manages a public telephone and fails to provide the notice required by subsection 1 may not demand or receive compensation for use of the telephone in excess of charges imposed by the local exchange telephone utility serving that area with respect to that use.

See title page for effective date.

CHAPTER 652

S.P. 815 - L.D. 2079

An Act Regarding Evictions from Mobile Home Parks

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

10 MRSA §9097, sub-§2, ¶B, as enacted by PL 1987, c. 737, Pt. B, §1 and Pt. C, §106; and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. The park owner entitled under subsection 1 to the mobile home space giving at least 45 days' notice of termination in writing to the tenant. If the landlord or the landlord's agent has made at least 3 witnessed good faith efforts made on 3 separate days to serve the tenant, service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's space in the park.

(1) In cases where the reason for eviction is nonpayment of rent, the tenancy may be terminated by 30 days' notice given in the same manner provided that the notice for eviction contains notice of the amount owed and a statement indicating that the tenant can negate the effect of the notice of termination as it applies to rent arrearage if the tenant pays the full amount of rent due before the expiration of the notice.

See title page for effective date.

CHAPTER 653

H.P. 1568 - L.D. 2173

An Act to Permit the Sale of Consumer Education Materials by the Attorney General

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

25 MRSA §3706 is enacted to read:

§3706. Sale of consumer education materials

Nothing in this chapter prevents the Department of the Attorney General from distributing, publicizing and charging for the cost of consumer education materials, including descriptions of federal and state laws dealing with unfair and deceptive trade practices.

See title page for effective date.

CHAPTER 654

S.P. 783 - L.D. 2024

An Act to Clarify and Expand the Provisions of the Law Creating the Jail Industries Authority

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

Sec. 1. 26 MRSA §962, sub-§6, ¶G, as enacted by PL 1969, c. 578, §2, is amended to read:

G. Who is a temporary, seasonal or on-call employee: ; or

Sec. 2. 26 MRSA §962, sub-§6, ¶H is enacted to read:

H. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in work release or intensive supervision programs.

Sec. 3. 26 MRSA §979-A, sub-§6, ¶J, as enacted by PL 1981, c. 381, §3, is amended to read:

J. Who substantially participates in the formulation and effectuation of policy in a department or agency or has a major role, other than a typically supervisory role, in the administration of a collective bargaining agreement in a department or agency: ; or

Sec. 4. 26 MRSA §979-A, sub-§6, ¶K is enacted to read:

K. Who is a prisoner employed by a public employer during the prisoner's term of imprisonment, except for prisoners who are in work release or intensive supervision programs.

Sec. 5. 34-A MRSA §1211, sub-§3, ¶¶A and B, as enacted by PL 1989, c. 416, are amended to read:

A. Two sheriffs, to be appointed by the commissioner, one from a list of 3 nominated by a statewide

sheriffs' association and one from ~~the~~ a county that has been certified by the United States Department of Justice under the provisions of the federal Private Sector Prison Industry Enhancement Certification Program or selected as a cost accounting center under that program; ~~and~~

B. One county commissioner, to be appointed by the commissioner from a list of 3 nominated by a statewide county commissioners' association; and

Sec. 6. 34-A MRSA §1211, sub-§3, ¶C is enacted to read:

C. The commissioner or the commissioner's designee.

Sec. 7. 34-A MRSA §1211, sub-§4, ¶¶B and C, as enacted by PL 1989, c. 416, are amended to read:

B. Determine whether a program shall be ~~designated~~ recommended as a cost accounting center for the purposes of the federal Private Sector Prison Industry Enhancement Certification Program, and determine whether to recommend revocation of any such designation previously approved shall be revoked. These recommendations must be made to the federal agency responsible for designating cost accounting centers, except when a recommendation is made regarding a cost accounting center within the Department of Corrections' certification, in which case, the recommendation must be made to the commissioner; and

C. ~~Monitor~~ Provide technical assistance to counties wishing to participate in the program and monitor all designated programs to ensure continuing compliance with the rules promulgated by the United States Department of Justice under the provisions of the federal Private Sector Prison Industry Enhancement Certification Program.

Sec. 8. 34-A MRSA §1211, sub-§6, as enacted by PL 1989, c. 416, is amended to read:

6. **Enterprise fund.** Participating counties shall establish a separate account for the operation of the program. This account shall be operated as an enterprise fund, with continuing authority to receive income and pay expenses associated with the program. All funds remaining in such accounts shall not lapse at the end of the fiscal year, but shall be carried over to the next year. Mandatory contributions to the Crime Victim Assistance Program shall be made from these accounts and transferred to the control of the Department of Human Services to be used exclusively for the Crime Victim Assistance Program.

Sec. 9. 34-A MRSA §1211, sub-§7 is enacted to read:

7. Participation under the Department of Corrections' certification. A county may request to have its jail industry included within the Department of Corrections'