

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
OCTOBER 9, 1991

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  
1991

---

---

**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

---

---

gage or incorporated by reference in any mortgage wherein that secures a loan primarily for business, commercial or agricultural purposes extended to a corporation is the mortgagor, partnership or trust, provided that the power of sale is not used to foreclose on the primary residence of any mortgagor who is a natural person.

See title page for effective date.

## CHAPTER 135

H.P. 408 - L.D. 591

### An Act Restricting the Use of the Names of Maine Banks on Credit Cards

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

9-B MRSA §241, sub-§7 is enacted to read:

7. Restrictions on use of names of Maine financial institutions on credit cards. A credit card may be titled and may have on its face the name of a financial institution authorized to do business in this State only if the terms of the credit card contract comply with the laws applicable to that financial institution. This section becomes effective for any new credit card programs implemented after November 1, 1991 or at the next renewal for any credit card accounts existing at that time.

See title page for effective date.

## CHAPTER 136

H.P. 464 - L.D. 658

### An Act to Clarify the Lien Rights of Water Utilities

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

35-A MRSA §6111 is enacted to read:

#### §6111. Liens on multi-unit residential rental property

Notwithstanding section 706, when a landlord has applied for and is granted water utility service to a multi-unit residential rental property, the water utility has a lien on the property and on any interest the landlord has in the multi-unit residential rental property to secure payment for the water utility's service to that property with costs and with interest at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

The method for obtaining, enforcing and receiving payment on the lien must be performed in the same manner, have the same effect and create the same rights as is provided in Title 38, section 1208, pertaining to the collection of unpaid

rates by a sanitary district, except that a sanitary district lien created under Title 38, section 1208 has priority over a water utility lien created under this section.

See title page for effective date.

## CHAPTER 137

H.P. 566 - L.D. 809

### An Act to Amend Maine's Antitrust Laws

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

Sec. 1. 10 MRSA §1103 is repealed.

Sec. 2. 10 MRSA §1104, sub-§2, ¶D is enacted to read:

D. Any person who violates the terms of an injunction issued under this section must forfeit and pay to the State, to be applied in carrying out this chapter, a civil penalty of not more than \$50,000 for each violation.

Sec. 3. 10 MRSA §1104, sub-§3, as enacted by PL 1987, c. 60, §1, is amended to read:

3. Civil penalty. Each course of conduct which that constitutes a violation of sections section 1101 and or 1102 is a civil violation for which a civil penalty of not more than ~~\$50,000~~ \$100,000 for each defendant shall may be adjudged.

A. In any action initiated by the Attorney General pursuant to this section to prevent and restrain violations of sections 1101 and 1102, the Attorney General may include an action to recover civil penalties by each defendant for each course of conduct alleged.

B. An action to recover a civil penalty from a defendant under this section shall bar bars a criminal prosecution pursuant to section 1101 or 1102 against that defendant for the same course of conduct on which the action to recover the civil penalty is based.

C. A criminal prosecution against a defendant pursuant to section 1101 or 1102 shall bar bars any action to recover a civil penalty under this section from that defendant for the same course of conduct on which the criminal prosecution is based.

Sec. 4. 10 MRSA §1107, as amended by PL 1977, c. 175, §4, is further amended to read:

#### §1107. Investigation by Attorney General

The Attorney General upon his the Attorney General's own initiative or upon petition of 50 or more citizens of this State, shall investigate all seeming violations of sections 1102-A and 1105 to 1107, all contracts, combi-

nations or conspiracies in restraint of trade or commerce, and all monopolies, and may require, by summons, the attendance and testimony of witnesses and the production of books and papers before ~~him~~ the Attorney General relating to any such matter under investigation. ~~Such~~ The summons ~~shall~~ must be served in the same manner as summons for witnesses in criminal cases, and all provisions of law relating thereto ~~shall~~ apply to summonses issued under this section so far as they are applicable. All investigations or hearings thereunder or connected therewith to which witnesses are summoned or called upon to testify or to produce books, records or correspondence ~~shall be~~ are public or private at the choice of the person summoned and ~~shall~~ must be held in the county ~~wherein~~ where the act to be investigated is alleged to have been committed, or if the investigation is on petition it ~~shall~~ must be held in the county ~~where~~ in which the petitioners reside. The expense of such investigation ~~shall~~ must be paid from the appropriation provided by Title 5, section 203.

If, upon investigation, it appears to the Attorney General that the laws of this State, including sections 1102-A or 1105 to 1107, have been violated in any respect, ~~he~~ the Attorney General shall ~~forthwith~~ prosecute the guilty parties and present all available information bearing upon such apparent violation to the proper prosecuting officer of the United States.

Any Justice of the Superior Court may by order, upon application of the Attorney General, compel the attendance of witnesses, the production of books and papers, including correspondence, and the giving of testimony, before the Attorney General in the same manner and to the same extent as before ~~said courts~~ the Superior Court. Any failure to obey such order may be punishable by such court as a contempt thereof.

See title page for effective date.

---

## CHAPTER 138

H.P. 564 - L.D. 807

### An Act to Amend the Law Relating to Road Dust

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

**38 MRSA §592-A, sub-§2**, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §167, is further amended to read:

**2. Fugitive emissions.** Any commercial and industrial source or facility, all municipalities and all state or federal facilities, whether or not requiring a license pursuant to this chapter, that cause or contribute to the discharge of fugitive emissions that the commissioner determines to constitute a nuisance are required to establish and maintain a continuing program for best management practices for suppression of fugitive emissions during any periods of construction, renovation or normal

operation. The commissioner shall determine those procedures which constitute best management practices. A description of a source's program for suppression of fugitive emissions must be made available to the commissioner upon request. Public or private roads that are not part of a commercial and industrial source or facility are not subject to the requirements of this subsection.

See title page for effective date.

---

## CHAPTER 139

S.P. 669 - L.D. 1767

### An Act to Modify the Language Governing the Special Commission on Governmental Restructuring

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

**Whereas**, the language creating the Special Commission on Governmental Restructuring, as established in the Maine Revised Statutes, Title 5, section 12004-J, may be ambiguous; and

**Whereas**, the reporting deadline for the Special Commission on Governmental Restructuring may not be possible to meet; and

**Whereas**, the Special Commission on Governmental Restructuring is called to make recommendations to the First Regular Session of the 115th Legislature; and

**Whereas**, there is a need for immediate action to assess the nature and scope of government and to develop recommendations to address the current fiscal shortfall; 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-J, sub-§9**, as enacted by PL 1991, c. 9, Pt. S, §1, is repealed.

**Sec. 2. 5 MRSA c. 405**, as enacted by PL 1991, c. 9, Pt. S, §2, is repealed.

**Sec. 3. PL 1991, c. 9, Pt. S, §§3 and 4** are repealed.

**Sec. 4. Special Commission on Governmental Restructuring established.** The Special Commis-