

MAINE STATE LEGISLATURE

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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

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Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 264**H.P. 932 - L.D. 1352****An Act to Increase the Late Fee for Dog Licenses**

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

Sec. 1. 7 MRSA §3943, sub-§1, as enacted by PL 1987, c. 383, §3, is amended to read:

1. Procedure. Between January 1st and April 30th annually, the municipal officers of each municipality shall issue a warrant with the names and addresses of all owners or keepers of unlicensed dogs to one or more police officers, constables, sheriffs or animal control officers, directing them to send a notice of violation by certified mail, return receipt requested, to the last-known address of the owners or keepers or call on the owners or keepers. The warrant ~~shall~~ must further direct that demand be made on the owners or keepers to obtain a license from the municipal clerk within 7 days from the date of demand and remit to the clerk the license and recording fees plus a late fee of ~~\$4~~ \$6. Finally, the warrant ~~shall~~ must direct the police officer, constable, sheriff or animal control officer to enter summons and complaint as soon as possible for all owners or keepers so notified who fail to comply with the order.

Sec. 2. 7 MRSA §3943, sub-§3, ¶A, as enacted by PL 1987, c. 383, §3, is amended to read:

A. The municipal clerk shall deposit the ~~\$4~~ \$6 late fee collected from all dog owners and keepers in a separate account pursuant to section 3945.

See title page for effective date.

CHAPTER 265**H.P. 873 - L.D. 1259****An Act to Clarify the Landlord's Handling of Abandoned Property**

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

Sec. 1. 14 MRSA §6013, as amended by PL 1987, c. 691, §1, is further amended to read:

§6013. Property abandoned by tenant

Any property with a total value of ~~\$100~~ \$500 or more that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit ~~shall~~ must be disposed of according to Title 33, chapter 37.

The landlord shall place in storage in a safe, dry, secured location any property with a total value of less than ~~\$100~~ \$500 that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit. The landlord shall send written notice by first class mail with proof of mailing to the last known address of the tenant concerning the landlord's intent to dispose of the abandoned property. The notice must include an itemized list of the items and containers of items of property abandoned. If the tenant claims the property within 14 days after the notice is sent, the landlord shall continue to store the property for at least 10 days after the tenant's response to allow the tenant time to take possession of the property. The landlord may condition the release of the property to the tenant upon the tenant's payment of all rental arrearages, damages and costs of storage. If the property remains unclaimed after the 14th day after notice has been sent or after the 10th day after the tenant claims the property, the landlord may sell the property for a reasonable fair market price and apply all proceeds to rental arrearages, damages and costs of storage and sale. All remaining balances ~~shall~~ must then be forwarded to the Treasurer of State.

Sec. 2. 33 MRSA §1818, sub-§1, as enacted by PL 1987, c. 691, §4, is amended to read:

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~~ is 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, or if the tenant has not taken possession of the property within 10 days after ownership has been claimed.

Sec. 3. 33 MRSA §1818, sub-§1-A, as enacted by PL 1989, c. 369, §1, is repealed.

Sec. 4. 33 MRSA §1818, sub-§2, as enacted by PL 1987, c. 691, §4, is repealed and the following enacted in its place:

2. Property worth more than \$500. Tangible property presumed to be abandoned under this section that has a fair market value greater than \$500 must 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 a commercially reasonable manner in accordance with any requirements imposed by the administrator.

A. After the sale of the property, the landlord may apply any proceeds from the sale to unpaid rent, damages to the premises and the expenses of storage, notice and sale. Any balance and the records of the sale must be reported and delivered to the administrator in accordance with the provisions of this Act.

B. The record of the sale must include the name of the owner prior to the sale, a description of the property, the proceeds of the sale, any deductions authorized under paragraph A and the balance remaining.

Sec. 5. 33 MRSA §1818, sub-§3, as enacted by PL 1987, c. 691, §4, is amended to read:

3. Property worth less than \$500. 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~~ \$500.

See title page for effective date.

CHAPTER 266

H.P. 1060 - L.D. 1549

An Act to Make Maine Milk Laws Conform to Federal Laws

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

Sec. 1. 7 MRSA §2954, sub-§1, as repealed and replaced by PL 1987, c. 447, §1, is amended to read:

1. Commission empowered to establish prices; public hearing. The commission is vested with the power to establish and change, after investigation and public hearing, the minimum wholesale and retail prices to be paid to producers, dealers and stores for milk received, purchased, stored, manufactured, processed, distributed or otherwise handled within the State. The commission shall hold a public hearing prior to the establishing or changing of such minimum prices. The commission may proceed, however, under the emergency rule-making provisions of Title 5, section 8054 without making findings of emergency when the only changes to be made in the minimum prices are to conform with the orders of any federal or other agency duly authorized by law to establish or negotiate producer prices or are to respond to other conditions affecting prevailing Class I and Class II and Class III prices in southern New England. Title 5, section 8054, subsection 3, the second sentence, does not apply to minimum prices adopted under the previous sentence. Due notice of the public hearing ~~shall~~ must be given by publishing notice as provided in Title 5, chapter 375. The commission shall hold such a public hearing not less frequently than once every 12 months to determine whether the minimum wholesale and retail prices then established should be changed. In addition to the data received through the implementation of the information gathering procedures of its rules as a basis for its determinations, the commission shall solicit and seek to receive oral and written testimony at hearings to determine whether the minimum wholesale and retail prices then established should be changed and whether the proposed minimum wholesale and retail prices are just and reasonable.

Sec. 2. 7 MRSA §2954, sub-§2, ¶A, as repealed and replaced by PL 1975, c. 517, §3, is amended to read:

A. The minimum wholesale prices paid to producers ~~shall be~~ are based on the prevailing Class I and Class II and Class III prices in southern New England and, after investigation by the Maine Milk Commission, ~~shall~~ must reflect as accurately as possible the increased costs of production.

Sec. 3. 7 MRSA §3152, sub-§1, as amended by PL 1987, c. 447, §4, is further amended to read:

1. Blend price. "Blend price" means the price of milk per hundredweight computed as the sum of the Class I price multiplied by the percentage of milk sold as Class I milk ~~and~~, the Class II price multiplied by the percentage sold as Class II milk and the Class III price multiplied by the percentage sold as Class III milk. The blend price ~~shall~~ must be separately calculated for the base minimum price and the over-order premium.

Sec. 4. 7 MRSA §3152, sub-§1-A, as amended by PL 1989, c. 436, §2, is further amended to read:

1-A. Base minimum price. "Base minimum price" means that part of the minimum Class I and Class II and Class III prices established by the Maine Milk Commission pursuant to chapter 603 which corresponds to Class I and Class II and Class III prices established pursuant to the New England Milk Marketing Order, excluding any amounts established by the Maine Milk Commission to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A.

Sec. 5. 7 MRSA §3152, sub-§1-B, as enacted by PL 1989, c. 436, §3, is amended to read:

1-B. Adjusted base minimum price. "Adjusted base minimum price" means that part of the minimum Class I and Class II and Class III prices established by the Maine Milk Commission pursuant to chapter 603 which corresponds to Class I and Class II and Class III prices established pursuant to the New England Milk Marketing Order, plus any amounts established by the Maine Milk Commission to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A.

Sec. 6. 7 MRSA §3152, sub-§8-A, as amended by PL 1989, c. 436, §4, is further amended to read:

8-A. Over-order premium. "Over-order premium" means that part of the minimum Class I and Class II and Class III prices established by the Maine Milk Commission pursuant to chapter 603, which exceeds the applicable Class I and Class II and Class III prices established pursuant to the New England Milk Marketing Order as adjusted to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A.