

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

All other hotels having 2 stories or more above grade level ~~shall~~ must be protected by a complete approved smoke, heat or fire detection system operated by electrical current or powered by batteries by July 1, 1981.

The State Fire Marshal, or ~~his~~ the marshal's designee, shall inspect all systems installed pursuant to this section and shall approve all systems which comply with this section, except that when the hotel is located in a municipality which has a municipal fire department or incorporated volunteer fire department, that department ~~shall be~~ is responsible for the inspection and approval of the system, unless the State Fire Marshal agrees to undertake that responsibility.

The term "hotel" includes buildings or groups of buildings under the same management in which there are more than 15 sleeping rooms for hire, whether designated as a hotel, inn, club, motel, apartment hotel or by any other name.

The term "high-rise building" includes any building used for any commercial purpose that is 75 feet or more above grade level.

Any person or corporation violating this section ~~shall be~~ is guilty of a Class E crime.

See title page for effective date.

CHAPTER 360

S.P. 436 - L.D. 1157

An Act to Amend the Teacher Retirement Laws

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

Whereas, it is sound policy to encourage public school teachers to pursue leadership opportunities; and

Whereas, some teachers would refrain from seeking the presidency of the Maine Teachers Association because of retirement consequences; 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 §17001, sub-§13, ¶D is enacted to read:

D. For a teacher who is eligible for participation in the retirement system who is on a leave of absence while serving as President of the Maine Teachers Association, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position.

Sec. 2. 5 MRSA §17001, sub-§42, as repealed and replaced by PL 1989, c. 878, Pt. D, §4, is amended by adding at the end a new blocked paragraph to read:

"Teacher" also includes a person who is on a leave of absence from a position as a teacher and is duly elected as President of the Maine Teachers Association.

Sec. 3. 5 MRSA §17154, sub-§6, ¶D is enacted to read:

D. Notwithstanding this section, the employer retirement cost related to the retirement system applicable to a teacher who is permitted to continue to accrue service credit while on a leave of absence and serving as President of the Maine Teachers Association must be paid from funds provided by the Maine Teachers Association. For purposes of this paragraph, in computing the employer cost, "earnable compensation" means the amount that the teacher would have earned if the teacher had remained in a teaching position.

Sec. 4. Application. This Act applies to teacher members of the Maine State Retirement System holding the office of President of the Maine Teachers Association on or after September 1, 1990.

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

Effective June 18, 1991.

CHAPTER 361

H.P. 839 - L.D. 1205

An Act Concerning Landlord-tenant Contracts

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

Sec. 1. 10 MRSA §9097-A is enacted to read:

§9097-A. Unfair rental contracts

1. Illegal waiver of rights. It is an unfair and deceptive trade practice in violation of Title 5, section 207 for a park owner or operator to use a rental agreement or rule that has the effect of waiving a tenant right established in chapter 953 and, if applicable to mobile home park tenants,

Title 14, chapters 709, 710 and 710-A. This subsection does not apply when the law specifically allows the tenant to waive a statutory right during negotiations with the park owner or operator.

2. Unenforceable provisions. The following rental agreement or rule provisions are specifically declared to be unenforceable and in violation of Title 5, section 207:

A. Any provision that absolves the park owner or operator from liability for the negligence of the park owner or operator or the agent of the park owner or operator;

B. Any provision that requires the tenant to pay the legal fees of the park owner or operator in enforcing the rental agreement;

C. Any provision that requires the tenant to give a lien upon the tenant's property, including a tenant's mobile home, for the amount of any rent or other sums due the park owner or operator; and

D. Any provision that requires the tenant to acknowledge that the provisions of the rental agreement, including tenant rules, are fair and reasonable.

Sec. 2. 14 MRSA §6030 is enacted to read:

§6030. Unfair rental contracts

1. Illegal waiver of rights. It is an unfair and deceptive trade practice in violation of Title 5, section 207 for a landlord to require a tenant to enter into a rental agreement in which the tenant agrees to a lease or rule provision that has the effect of waiving a tenant right established in chapter 709, this chapter and chapter 710-A. This subsection does not apply when the law specifically allows the tenant to waive a statutory right during negotiations with the landlord.

2. Unenforceable provisions. The following rental agreement or rule provisions are specifically declared to be unenforceable and in violation of Title 5, section 207:

A. Any provision that absolves the landlord from liability for the negligence of the landlord or the landlord's agent;

B. Any provision that requires the tenant to pay the landlord's legal fees in enforcing the rental agreement;

C. Any provision that requires the tenant to give a lien upon the tenant's property for the amount of any rent or other sums due the landlord; and

D. Any provision that requires the tenant to acknowledge that the provisions of the rental agreement, including tenant rules, are fair and reasonable.

Sec. 3. Effective date; application. This Act takes effect November 1, 1991 and applies to rental agreements entered into or renewed on or after November 1, 1991.

Effective November 1, 1991.

CHAPTER 362

H.P. 970 - L.D. 1411

An Act Concerning the Number of Signatures Required for County Office Elections

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

Sec. 1. 21-A MRSA §335, sub-§5, ¶D and E, as enacted by PL 1985, c. 161, §6, are amended to read:

D. For a candidate for county office other than county commissioner, at least 150 and not more than 200 voters;

E. For a candidate for county commissioner ~~in any county with a population of 50,000 or less~~, at least 50 and not more than 75 voters;

Sec. 2. 21-A MRSA §354, sub-§5, ¶E, as enacted by PL 1985, c. 161, §6, is amended to read:

E. For a candidate for county office other than county commissioner or county charter commission member, at least 300 and not more than 400 voters;

Sec. 3. 21-A MRSA §354, sub-§5, ¶E-1 is enacted to read:

E-1. For a candidate for county commissioner, at least 100 and not more than 150 voters;

See title page for effective date.

CHAPTER 363

S.P. 460 - L.D. 1236

An Act Concerning Continuances Requested by Petitioners in Hearings for Operating under the Influence

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

Sec. 1. 29 MRSA §1311-A, sub-§5, ¶A, as repealed and replaced by PL 1983, c. 850, §1, is amended to read: