

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 211

H.P. 563 - L.D. 760

**An Act to Require Additional
Landlord Disclosures**

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

Sec. 1. 10 MRSA §9097, sub-§2, ¶B, as amended by PL 1989, c. 652, 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.

(2) In cases in which the reason for eviction is one listed in subsection 1, paragraph B, C, D, E, H or I, the 45 days' notice of termination must refer to relevant provisions of the lease or mobile home park rules and must state the reasons for the termination.

Sec. 2. 14 MRSA §6002, sub-§2, as amended by PL 1981, c. 428, §3, is further amended to read:

2. Ground for termination notice. Any notice of termination issued pursuant to subsection 1 ~~shall~~ must indicate the specific ground claimed for issuing the notice. If a ground claimed is rent arrearage of 14 days or more, the notice ~~shall~~ must also include a statement indicating the amount of the rent that is 14 days or more in arrears as of the date of the notice and that the tenant can negate the effect of the notice of termination as it applies to rent arrearage if ~~he~~ the tenant pays the full amount of rent ~~due~~ arrears before the expiration of the notice. If the notice states an incorrect rent arrearage the notice can not be held invalid if the landlord can show the error was unintentional.

See title page for effective date.

CHAPTER 212

S.P. 282 - L.D. 853

**An Act to Amend the Maine Hunting Laws
Relating to Hunting from Paved Ways and
Discharges of Firearms across Paved Ways**

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

Sec. 1. 12 MRSA §7406, sub-§7, as amended by PL 1983, c. 440, §10, is further amended to read:

7. Hunting from or across a paved way. A person is guilty of hunting from or across a paved way if ~~he~~ that person hunts any wild animal or wild bird from any paved way or within 10 feet of the edge of the pavement of the paved way or from within the right-of-way of any controlled access highway, except that or discharges any firearm across a paved way. Nothing in this subsection prohibits a person who has a valid permit to carry a concealed weapon ~~may possess~~ from possessing such a weapon provided on or near a paved way as long as it is not used for hunting wild animals or wild birds or discharged in violation of this subsection.

Sec. 2. 12 MRSA §7946, as enacted by PL 1979, c. 420, §1, is amended to read:

§7946. Possession of firearm on paved way

Possession of a loaded firearm ~~within the limits of any on~~ a paved way or within 10 feet of the edge of the pavement of a paved way or within the right-of-way of any controlled access highway, except as provided in section 7406, subsection 7, shall be is prima facie evidence of hunting.

See title page for effective date.

CHAPTER 213

S.P. 313 - L.D. 946

**An Act to Authorize Trustees to Make Trust
Investments in Certain Affiliated
Securities and Bonds**

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

Whereas, banks in the State are currently offering investment advisory services to trusts when the bank offering those services serves as trustee; and

Whereas, a federal bank regulatory agency has required specific state statutory authority for banks to continue to offer these services; and

Whereas, bank customers do not wish to have an interruption in their current level of service and wish to receive trust services under the current provisions of their trust contracts; and

Whereas, this practice is not in violation of state laws and in fact has support of the Maine Bureau of Banking, and similar legislation has passed in more than 30 states; 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. 18-A MRSA §7-408 is enacted to read:

§7-408. Trustees authorized to invest trust funds in affiliated investments; limitations

1. Authorization. Any association, corporation or financial institution authorized to exercise trust powers in this State while acting as a fiduciary is authorized to purchase for the fiduciary estate, directly from underwriters or distributors or in the secondary market, bonds or other securities underwritten or distributed by that association, corporation or financial institution or an affiliate or by any syndicate that includes that association, corporation or financial institution and securities of any investment company registered under the federal Investment Company Act of 1940 for which that association, corporation or financial institution or any affiliate acts as advisor, distributor, transfer agent, registrar, sponsor, manager, shareholder servicing agent or custodian. Any person acting as a cofiduciary with any association, corporation or financial institution or an affiliate is authorized to consent to the investment in such interests.

2. Limitations. The authority granted pursuant to subsection 1 may not be exercised:

A. If the investment is prohibited by the instrument, judgment, decree or order creating the fiduciary relationship;

B. Unless, in the case of cofiduciaries, the association, corporation or financial institution or an affiliate procures the consent of its cofiduciaries to the investment; or

C. Unless the association, corporation or financial institution purchasing bonds or securities pursuant to this section discloses in writing the fact that it or an affiliate may have an interest in the underwriting or distribution of those bonds or securities and

any capacities in which it or an affiliate thereof acts for the issuer of those securities.

3. Limitations on fees. Investment management fees paid in connection with investments made pursuant to subsection 1 are limited to either of the following:

A. Investment advisory fees, commissions or similar fees that the fiduciary is entitled to receive as fiduciary reduced by the amount of any investment advisory fees, commissions or similar fees paid to the fiduciary by the investment company or investment trust; or

B. Investment advisory fees, commissions or similar fees paid to the fiduciary by the investment company or investment trust in lieu of any investment advisory fees, commissions or similar fees that the fiduciary would otherwise be entitled to receive for the investment management of the trust or fiduciary account.

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

Effective June 2, 1993.

CHAPTER 214

S.P. 246 - L.D. 765

An Act to Provide Local Control for the Job-start Program

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

Sec. 1. 10 MRSA §1100-M, as enacted by PL 1983, c. 856, §4, is amended to read:

§1100-M. Authorization

The Finance Authority of Maine may administer a statewide program to make low interest loans to stimulate the development and expansion of small business in this State pursuant to contracts between the authority and local community action agencies designated under Title 5 22, chapter 330 1477. This program ~~shall be~~ is known as the Maine Job-start Program or the Maine Job-start Micro Enterprise Loan Program.

Sec. 2. 10 MRSA §1100-N, as corrected by PL 1991, c. 2, §31, is amended by repealing and replacing the headnote to read:

§1100-N. Administration and procedures