

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

6. Excise tax on malt liquor; premiums. Each licensee must pay the appropriate excise taxes and premiums under sections 1652 and 1703 before the scheduled calendar date of the special taste-testing festival.

See title page for effective date.

CHAPTER 260

H.P. 792 - L.D. 1078

An Act Amending the Liquor License Laws

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

Sec. 1. 28-A MRSA §1052, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Off-premise catering license for sale of liquor off-premise. Class A restaurants, Class A lounges, hotels and clubs licensed to sell spirits, wine and malt liquor may apply for an additional license to conduct off-premises catering of spirits, wine and malt liquor at planned events or gatherings to be held at locations other than the licensee's premises under this section.

See title page for effective date.

CHAPTER 261

H.P. 644 - L.D. 875

An Act to Improve Access of Injured Workers to Medical Care

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

Sec. 1. 39-A MRSA §210, sub-§9, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

9. Penalties. Any health facility or health care provider that knowingly submits false or misleading records or other information to an insurance carrier, self-insurer or group self-insurer or the board is guilty of a Class D crime.

See title page for effective date.

CHAPTER 262

S.P. 111 - L.D. 312

An Act to Establish a Surplus Energy Program

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

Whereas, the State's electric utilities have or have access to surplus energy that, if sold at an incentive rate, may benefit all ratepayers of this State; and

Whereas, the opportunity to use this surplus energy in a manner that helps the ratepayers of this State presents itself now and any delay may significantly reduce the benefits to the ratepayers in this State that an incentive rate may provide; 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. 35-A MRSA §3154, sub-§8 is enacted to read:

8. Incentive rates. Upon petition or on its own motion, the commission shall consider and, if it finds a utility has substantial surplus energy or capacity, shall adopt an incentive rate tariff consistent with the following.

A. The incentive rate is offered only on a short-term basis.

B. The incentive rate is offered only while the utility has surplus energy or capacity and is discontinued when there is no longer a surplus.

C. The incentive rate is available only for incremental uses of electricity, as defined by the commission. The rate may not be designed to encourage the installation of electric resistance space heating systems.

D. The incentive rate is interruptible and terminable to ensure that only surplus energy or capacity is sold at an incentive rate.

E. The incentive rate is priced so as to cover the costs of serving each customer who receives the rate and includes a contribution to fixed costs above the cost of service.

All net revenues from sales of electricity under rates established under this subsection must be used to benefit ratepayers.

The incentive rate may be used to encourage demonstration fleets of electric cars, provided the rate is consistent with this subsection.

For purposes of this subsection, "incentive rate" means a special discount rate designed to increase utility load for a period during which the utility has excess capacity or energy.

By January 1, 1996, the commission shall report to the joint standing committee having jurisdiction over utility matters on the status of utility surplus energy and capacity and on the status of rates established under this section and shall make recommendations on the need for modifications to this section.

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

Effective June 4, 1993.

CHAPTER 263

H.P. 481 - L.D. 618

An Act Regarding Vessels Stored at Marinas

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

Sec. 1. 10 MRSA c. 212-A is enacted to read:

CHAPTER 212-A MAINE MARINA AND BOATYARD STORAGE ACT

§1381. Short title

This Act may be known and cited as the "Maine Marina and Boatyard Storage Act."

§1382. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Default. "Default" means the failure to pay obligations incurred by the storage of a boat, boat motor or boat trailer.

2. Facility. "Facility" means a marina, boatyard or marine repair facility that provides, as part of its commercial operation, the storage of boats, boat motors or boat trailers.

3. Lienholder. "Lienholder" or "lienholder of record" means a person who claims an interest in or lien on the property pursuant to a financing statement filed with the Secretary of State or other public filing.

4. Property. "Property" means a boat, boat motor or boat trailer in storage at a facility.

§1383. Lien

1. Lien created. A facility owner has a lien on property stored at that facility for rent, labor or other charges and for expenses reasonably incurred in the sale of that property under the provisions of this chapter.

2. Exclusion. This chapter does not create a lien on a documented vessel subject to a preferred ship mortgage or other preferred maritime lien pursuant to 46 United States Code, Chapter 131.

§1384. Notice of lien

A property owner must be notified of the lien created by this chapter before enforcement of the lien by a facility owner. Notification of the lien created by this chapter is satisfied by:

1. Written storage agreement. A written storage agreement signed by the property owner that includes a notice of the lien created by this chapter; or

2. Written notice of lien. Written notification of the lien sent by the facility owner to the property owner.

A facility owner who does not have a written storage agreement that includes a notice of the lien created by this chapter may not initiate an enforcement action under section 1385 until 30 days after the written notice of a lien required by subsection 2 is delivered to the property owner.

§1385. Enforcement of lien

A facility owner may enforce a lien created by this chapter only if the property owner has been notified of the lien as required by section 1384.

1. Sale; use of proceeds. If a property owner is in default for a period of more than 90 days, a facility owner may enforce a lien by selling the stored property at a commercially reasonable public sale for cash. As used in this section, "commercially reasonable" has the same meaning as in the Uniform Commercial Code. The proceeds of the sale must be applied in the following order:

A. To the reasonable expenses of the sale incurred by the facility owner including, to the extent not prohibited by law, reasonable attorney's fees and legal expenses;

B. To the satisfaction of the lien created by this chapter;

C. To the satisfaction of all other liens on the property held by all lienholders of record to be paid in the order of priority; and