

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

Financial Services in order to ensure full funding of personal services costs within the Highway Fund. This Part is repealed June 30, 1999.

PART P

Sec. P-1. Capital Expenditure - Plate Storage Facility. With the approval of the Commissioner of Corrections, prison labor must be used to construct a plate storage facility on state property.

PART Q

Sec. Q-1. 29-A MRSA §603, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Fee of \$15. A fee of ~~\$10~~ \$15 must be paid to the Secretary of State for the following:

- A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number;
- B. Filing an application for a first certificate of title, including security interest;
- C. Filing notice of a security interest after the first certificate of title has been issued;
- D. A certificate of title after a transfer;
- E. A certificate of salvage;
- F. A corrected certificate of title or salvage;
- G. A duplicate certificate; or
- H. Assignment of a new vehicle identification number.

Sec. Q-2. 29-A MRSA §2486, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Reinstatement fee. Before a suspension is terminated and a license or certificate reinstated, a fee of ~~\$25~~ \$30, in addition to the regular license fee, must be paid to the Secretary of State.

Sec. Q-3. Effective date. Sections 1 and 2 of this Part take effect on July 1, 1997.

PART R

Sec. R-1. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$200,000 in fiscal year 1997-98 and \$300,000 in fiscal year 1998-99 from Collector Road Demonstration Award funds within the Collector Road Program, Other Special Revenue Account in the Department of Transportation to Highway Fund

undedicated revenue no later than June 30, 1998 and June 30, 1999.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1997.

Effective July 1, 1997, unless otherwise indicated.

CHAPTER 26

S.P. 34 - L.D. 32

An Act to Grandfather Ambulance Attendants from Additional Rulemaking

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

Sec. 1. 32 MRSA §85, sub-§5 is enacted to read:

5. Ambulance attendants grandfathered. An ambulance attendant having a license under this section on August 30, 1996 is grandfathered for the purposes of licensing and is not subject to rules affecting the licensing of ambulance attendants adopted by the board after August 30, 1996.

Sec. 2. Retroactivity. This Act applies retroactively to August 30, 1996.

See title page for effective date.

CHAPTER 27

S.P. 22 - L.D. 20

An Act to Clarify the Law Concerning Evictions from Mobile Home Parks

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

Whereas, it is necessary that this legislation be enacted as an emergency measure to ensure the health and safety of residents in mobile home parks throughout the State; 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. 10 MRSA §9097, sub-§1, as amended by PL 1989, c. 662, is further amended to read:

1. Eviction of tenant. A tenancy may be terminated by a park owner or operator only for one or more of the following reasons:

A. Nonpayment of rent, utility charges or reasonable incidental service charges, ~~provided except~~ that no action for possession may be maintained if, prior to the expiration of a notice to quit, the tenant pays or tenders all arrearages due plus 5% of the outstanding rent or a maximum of \$5 as liquidated damages;

B. Failure of the tenant or the tenant's cohabittees, guests or invitees to comply with local ordinances or state or federal law, rules or regulations relating to mobile homes or mobile home parks, ~~provided that~~ as long as the tenant first is given written notice of failure to comply with those restrictions and a reasonable opportunity to comply with the restrictions;

C. Damage by the tenant or the tenant's cohabittees, guests or invitees to the demised property, except for reasonable wear and tear;

D. Repeated conduct of the tenant or the tenant's cohabittees, guests or invitees upon the mobile home park premises ~~which that~~ disturbs the peace and quiet or safety of other tenants in the mobile home park;

E. Failure of the tenant or the tenant's cohabittees, guests or invitees to comply with reasonable written rules of the mobile home park as established by the park owner or operator in the rental agreement at the beginning of the tenancy or as subsequently amended, ~~provided that~~ as long as the tenant first is given written notice of failure to comply and a reasonable opportunity to comply with those rules;

F. Condemnation or change of use of the mobile home park, ~~provided that~~ as long as, in the case of change of use, one year's notice is given in writing to the tenant, unless at the beginning of the tenancy the tenant is given notice of the scheduled change of use;

G. Renovation or reconstruction of any portions of the park, if:

(1) In the case of a temporary eviction, the park owner or operator:

(a) Gives affected tenants 30 days' notice in writing, unless the temporary eviction is necessary to correct conditions posing an immediate threat to one or more tenants' health or safety; and

(b) Pays the removal and relocation costs of tenants, except for those tenants who agree otherwise in a signed writing separate from the lease; or

(2) In the case of a permanent eviction, other than an eviction due to reconstruction or renovation required by a federal, state or local governmental body, of one or more mobile homes currently located in the park, the park owner or operator:

(a) Gives each tenant one year's notice in writing; or

(b) To each tenant for whose home the park owner has found a reasonable alternative location acceptable to the tenant, gives 6 months' written notice and pays removal and relocation costs;

H. Under terms and expressed conditions in the original lease or rental agreement ~~which that~~ is entered into by the tenant and landlord; or

I. Violation by a tenant or the tenant's cohabittees, guests or invitees of paragraph A, B or E, 3 or more times in a 12-month period, notwithstanding the fact that the tenant in each case corrected the violation after being notified of the violation by the park owner or operator. For purposes of termination under this paragraph, the tenant or the tenant's cohabittees, guests or invitees must have engaged in at least 3 separate instances of misconduct.

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

Effective March 27, 1997.

CHAPTER 28

S.P. 190 - L.D. 608

An Act to Remove the State Prisoner Population Limit for Knox County

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