

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

hearing officer relating to that employee's rights. The board shall provide and pay the cost of the interpreter. To the extent possible, the board shall seek advice from the Department of Labor in locating appropriate interpreters to meet the needs of employees in the workers' compensation system.

See title page for effective date.

CHAPTER 203

S.P. 367 - L.D. 1068

An Act to Clarify Municipal Obligations to an Unlicensed Mobile Home Park

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

Sec. 1. 10 MRSA §9090 is enacted to read:

§9090. Municipal foreclosure; unlicensed mobile home parks

Notwithstanding any other provision of law, a municipality that, as a result of the nonpayment of property taxes, forecloses and takes possession of real estate on which is located an unlicensed mobile home park may, if the municipality determines the park poses a risk to public health, welfare or safety, close the park and, with at least 30 days' prior written notice, evict the inhabitants of the park. A municipality that takes possession of real estate on which is located an unlicensed mobile home park does not enter a landlord and tenant relationship with any inhabitant of the park and is not subject to the provisions of chapter 953 or any other laws governing relations between a landlord and tenant. This section does not apply to a municipality that is or becomes the licensed operator of the mobile home park.

See title page for effective date.

CHAPTER 204

S.P. 385 - L.D. 1164

An Act to Clarify Landlord Access to Premises in Residential Tenancies

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

Sec. 1. 14 MRSA §6025, sub-§§1 and 3, as enacted by PL 1981, c. 428, §10, are amended to read:

1. Tenant obligations. A tenant may not unreasonably withhold consent to the landlord to enter into

the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, ~~workmen~~ workers or contractors.

A tenant may not change the lock to the dwelling unit without giving notice to the landlord and giving the landlord a duplicate key within 48 hours of the change.

3. Remedy. If a landlord makes an entry in violation of this section, makes a lawful entry in an unreasonable manner or makes repeated demands for entry otherwise lawful ~~which that~~ have the effect of harassing the tenant, the tenant ~~shall~~ may recover actual damages or \$100, whichever is greater, and obtain injunctive relief to prevent recurrence of the conduct, and if ~~he~~ the tenant obtains a judgment after a contested hearing, reasonable ~~attorneys'~~ attorney's fees.

If a tenant changes the lock and does not provide the landlord with a duplicate key, in the case of emergency the landlord may gain admission through whatever reasonable means necessary and charge the tenant reasonable costs for any resulting damage. If a tenant changes the lock and refuses to provide the landlord with a duplicate key, the landlord may terminate the tenancy with a 7-day notice.

See title page for effective date.

CHAPTER 205

S.P. 595 - L.D. 1719

An Act to Amend the Maine Banking Code Regarding Extensions of Credit

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

Whereas, without the proposed change, Maine-based lenders may suffer competitive losses to out-of-state financial corporations; and

Whereas, Maine companies that would prefer to do business with local lenders are forced to use other financial organizations; and

Whereas, Maine lenders are ready and able to serve these Maine businesses but for the restraints resulting from the current Maine banking law; and

Whereas, this current Maine banking law was passed prior to Maine's many recent banking code changes regarding interstate banking; and

Whereas, this legislation would amend Maine law so that Maine's Superintendent of Banking may waive certain requirements that predate these changes to Maine's banking code; and

Whereas, without this legislation Maine-based lenders would continue to see loan business move to out-of-state financial organizations; 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. 9-B MRSA §439-A, sub-§2, as amended by PL 1997, c. 398, Pt. I, §25, is further amended to read:

2. Limitations. A financial institution subject to this Title or a service corporation established pursuant to section 445 may not make loans or extensions of credit outstanding at one time to a person in excess of 20% of its total capital. ~~Total~~ Except as provided in paragraph A, total loans or other extensions of credit in excess of 10% of total capital must be approved by a majority of the governing body or the executive committee of that institution or corporation. Any loan made in violation of this section is subject to the remedies prescribed in section 465-A.

A. The superintendent may grant a partial or full waiver of the voting requirement for loans or other extensions of credit in excess of 10% of total capital for good cause shown. In granting this waiver, the superintendent shall consider capital, management and resources of the financial institution or other relevant factors as determined by the superintendent.

B. Any waiver granted pursuant to paragraph A may be withdrawn by the superintendent upon written notice to the financial institution.

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

Effective May 17, 1999.

CHAPTER 206

S.P. 349 - L.D. 1053

An Act to Clarify the Laws Relating to Nonstate-funded School

Construction Projects Approved by the Commissioner of Education that Replace Existing School Buildings

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

Sec. 1. 20-A MRSA §1407, sub-§1, as amended by PL 1983, c. 364, §5, is further amended to read:

1. Vote; cost of election. An elementary school in a member municipality of a school administrative district may not be closed pursuant to section 4102, subsection 3 unless the voters in the member town vote on the following article in accordance with the procedure set forth in sections 1351 to 1354.

"Article : Shall the board of directors of School Administrative District No. be authorized to close ?

(name of school)

Yes No "

(The election ~~shall~~ must be conducted only within that member municipality, and the costs of the election ~~shall be~~ are borne by the district.)

Sec. 2. 20-A MRSA §1751, sub-§5, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

5. Closing elementary school. If a community school district includes elementary grades, the closing of an elementary school in a member municipality ~~shall~~ pursuant to section 4102, subsection 3 must follow the procedures established in section 1407 for closing an elementary school in a member municipality in a school administrative district.

Sec. 3. 20-A MRSA §4102, sub-§1, as enacted by PL 1983, c. 422, §17, is amended to read:

1. Replaced by new building. The school building has been replaced by other school buildings as part of a school construction project ~~which that~~ state board or the commissioner in accordance with chapter 609.

See title page for effective date.

CHAPTER 207

S.P. 715 - L.D. 2037

An Act to Revise the Lienholder Notification Law