

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

inconsistent with this section and contrary to public policy. No association or corporation organized for the sole purpose of marketing fish, shellfish or any of the fish products or agricultural products of this State, ~~or for the sole purpose of marketing, producing or trucking, pulpwood or saw logs,~~ the members or stockholders in which are actually engaged in the production of such products, or in the selling, canning or otherwise preserving of fish products, ~~or selling, cutting or trucking of pulpwood or saw logs,~~ shall ~~may~~ be deemed to be a conspiracy or a combination or in restraint of trade or an attempt to lessen competition or to fix prices arbitrarily; nor shall ~~may~~ the marketing contracts and agreements between such association or corporation and its members or stockholders be considered illegal as such or in unlawful restraint of trade or as part of a conspiracy or combination to accomplish an improper or illegal purpose.

See title page for effective date.

**CHAPTER 47**

**H.P. 202 - L.D. 247**

**An Act To Increase the Value of Real and Personal Property Exempt from Attachment**

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

**Sec. 1. 14 MRSA §4422, sub-§1, ¶A,** as amended by PL 2001, c. 306, §1, is further amended to read:

A. Except as provided in paragraph B, the debtor's aggregate interest, not to exceed ~~\$25,000~~ \$35,000 in value, in real or personal property that the debtor or a dependent of the debtor uses as a residence, in a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence, or in a burial plot for the debtor or a dependent of the debtor, provided that if minor dependents of the debtor have their principal place of residence with the debtor, the debtor's aggregate interest may not exceed ~~\$50,000~~ \$70,000 and provided further that if the debtor's interest is held jointly with any other person or persons, the exemption may not exceed in value the lesser of ~~\$25,000~~ \$35,000 or the product of the debtor's fractional share times ~~\$50,000~~ \$70,000.

**Sec. 2. 14 MRSA §4422, sub-§1, ¶B,** as enacted by PL 1989, c. 286, §1, is amended to read:

B. The debtor's aggregate interest, not to exceed ~~\$60,000~~ \$70,000 in value, in property described in paragraph A, if the debtor or a dependent of

the debtor is either a person 60 years of age or older or a person physically or mentally disabled and because of such disability is unable to engage in substantial gainful employment and whose disability has lasted or can be expected to last for at least 12 months or can be expected to result in death; provided that if the debtor's interest is held jointly with any other person or persons, the exemption shall ~~may~~ not exceed in value the lesser of ~~\$60,000~~ \$70,000 or the product of the fractional share of the debtor's interest times ~~\$120,000~~ \$140,000. This paragraph does not apply to liens obtained prior to its effective date or to judgments based on torts involving other than ordinary negligence on the part of the debtor.

See title page for effective date.

**CHAPTER 48**

**H.P. 575 - L.D. 776**

**An Act To Eliminate Potential Restrictions to the Establishment of an Alternative Form of Regulation for Some Telephone Utilities**

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

**Whereas,** the Maine Revised Statutes, Title 35-A, section 9104 contains provisions that might be read as a restriction that allowed the Public Utilities Commission to establish an alternative form of regulation only during a time period in 1995 and 1996 and that are otherwise obsolete; and

**Whereas,** the Public Utilities Commission and at least one telephone utility are engaged in discussions that may lead to the establishment of an alternative form of regulation for that company; and

**Whereas,** if such discussions are fruitful, an alternative form of regulation would be established prior to June of 2003; 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 §9104,** as enacted by PL 1993, c. 638, §2, is repealed.