

# 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**

E. The commission may exempt utilities with annual intrastate gross operating revenues under \$50,000 from assessments under this section.

**Sec. 2. 35-A MRSA §116, sub-§8, ¶C-1**, as amended by PL 2001, c. 28, §1, is further amended to read:

C-1. Except as specified in this subsection, funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but, with the exception of funds carried forward from fiscal year ~~1996-97 to fiscal year 1997-98 and with the exception of funds carried forward at the end of fiscal year 2000-01 2002-03~~ and fiscal year ~~2001-02 2003-04~~ for use in the following fiscal year, unexpended funds in excess of 10% of the total annual assessment authorized in this section must, at the option of the Public Advocate, either be presented to the Legislature in accordance with paragraph A for reallocation and expenditure or used to reduce the utility assessment in the following fiscal year. In the case of funds carried forward from fiscal year ~~1996-97 to fiscal year 1997-98 and funds carried forward from fiscal year 2000-01 2002-03~~ and fiscal year ~~2001-02 2003-04~~ for use in the following fiscal year, 100% of these funds may be expended for the purposes specified in this section.

**Sec. 3. PL 2001, c. 136, §2** is amended to read:

**Sec. 2. Use of unexpended funds.** Notwithstanding the Maine Revised Statutes, Title 35-A, section 116, subsection 5, the Public Utilities Commission may expend in fiscal year ~~2001-02 2003-04~~ and fiscal year ~~2002-03 2004-05~~, for the purposes specified in Title 35-A, section 116, subsection 4, 100% of any unexpended funds remaining at the end of the prior fiscal year. Treatment of funds not expended at the end of fiscal year ~~2002-03 2004-05~~ is governed by Title 35-A, section 116, subsection 5.

**Sec. 4. Report and authority to report legislation.** No later than January 1, 2004, the Public Utilities Commission shall submit to the Joint Standing Committee on Utilities and Energy a report describing the commission's activities during fiscal year 2003-04 and the extent to which the assessment authorized in the Maine Revised Statutes, Title 35-A, section 116 limits the commission's ability to fulfill its statutory responsibilities. The commission shall also examine and report on the appropriateness of the apportionment of the assessment between transmission and distribution utilities and other utilities. The Joint Standing Committee on Utilities and Energy may report out legislation to the Second Regular Session of

the 121st Legislature relating to the commission's assessments under Title 35-A, section 116.

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

Effective May 23, 2003.

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## CHAPTER 273

H.P. 608 - L.D. 831

### An Act Pertaining to Former Members of the Maine State Retirement System

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

**Sec. 1. 5 MRSA §18203, sub-§3**, as enacted by PL 1985, c. 801, §§5 and 7, is repealed and the following enacted in its place:

**3. Amendments.** A participating local district that has withdrawn from participation in the retirement system may adopt any provision of this Part and amend its plan to reflect adoption of that provision, whether the provision took effect before or after the effective date of the district's withdrawal. A participating local district withdrawing under this section may not amend its retirement plan except in accordance with this subsection, and any such amendment is effective only with respect to employees of the district who remained in the retirement system at the time of the district's withdrawal.

See title page for effective date.

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## CHAPTER 274

H.P. 905 - L.D. 1231

### An Act To Restrict Excessive Late Rental Fees for Self-service Storage Facilities

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

**Sec. 1. 10 MRSA §1372, sub-§2-A** is enacted to read:

**2-A. Late fee.** "Late fee" means any fee or charge assessed for an occupant's failure to pay rent when due. "Late fee" does not include interest on a debt, reasonable expenses incurred in the collection of unpaid rent or costs associated with the enforcement of any other remedy provided by statute or contract.

**Sec. 2. 10 MRSA §1376** is enacted to read:

**§1376. Late fees**

**1. Imposition of late fee.** An operator may impose a reasonable late fee in accordance with this section for each service period that an occupant does not pay rent when due, as long as the due date for the rental payment is not earlier than the day before the first day of the service period to which the rental payment applies. A late fee may not be imposed if the occupant makes a rental payment in full by the 3rd day after the due date.

**2. Conditions in writing.** An operator may not impose a late fee unless the amount of that fee and the conditions for imposing that fee are stated in 12-point type in a written rental agreement or an addendum to that agreement.

**3. Permissible late fees.** A late fee of \$20 for each late rental payment or 20% of the amount of each rental payment, whichever is greater, is reasonable and does not constitute a penalty.

**4. Recovery of reasonable expenses.** An operator may recover from the occupant any reasonable expense incurred in rent collection or lien enforcement in addition to the late fee permitted by subsection 1.

See title page for effective date.

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**CHAPTER 275**

**S.P. 284 - L.D. 805**

**An Act To Protect Conservation Trust Funds**

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

**Sec. 1. 35-A MRSA §3211-A, sub-§4, ¶C,** as enacted by PL 2001, c. 624, §4, is amended to read:

C. ~~Are~~ Except as provided in subsection 7-A, are no less than 0.5% of the total transmission and distribution revenues of the transmission and distribution utility; and

**Sec. 2. 35-A MRSA §3211-A, sub-§7-A** is enacted to read:

**7-A. Funds held in trust.** All funds collected from electricity consumers pursuant to this section, including assessments collected from transmission and distribution utilities and deposited in the program fund or the administration fund and any prior conservation efforts, are collected under the authority and for the purposes of this section and, whether held by the commission, transmission and distribution utilities or

their agents, are deemed to be held in trust for the purposes of benefiting electricity consumers. In the event funds are not expended or contracted for expenditure within 2 years of being collected from consumers, the commission shall return the value of those funds to consumers by appropriate reductions in the assessment collected pursuant to subsection 4.

See title page for effective date.

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**CHAPTER 276**

**H.P. 115 - L.D. 106**

**An Act Regarding Alewife Harvesting**

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

**Sec. 1. 12 MRSA §7153, sub-§1,** as amended by PL 2001, c. 387, §10, is further amended to read:

**1. Issuance.** The commissioner may issue permits to fish for or possess alewives, eels, suckers, lampreys and yellow perch under rules that the commissioner establishes, if these permits do not interfere with rights granted under section 6131. The commissioner may place conditions on the usage of gear allowed under this subsection. The commissioner may prohibit or restrict the use of any gear used to concentrate species for harvest under this subsection.

A. Eels may be harvested in inland waters using only eel pots or weirs.

B. ~~Alewives, suckers~~ Suckers and yellow perch may be harvested in inland waters using trap nets, dip nets or spears.

C. Lampreys may be harvested in inland waters by use of a hand-held dip net or by hand.

D. Alewives may be harvested in inland waters using trap nets, dip nets, spears or fish pumps.

See title page for effective date.

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**CHAPTER 277**

**S.P. 411 - L.D. 1280**

**An Act To Improve Boating in Maine**

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