

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.

Penmor Lithographers
Lewiston, Maine
2003

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.

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.

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.

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:

Sec. 1. 12 MRSA §7801, sub-§33, as amended by PL 1999, c. 436, §1, is further amended to read:

33. Operating airmobile or motorboat that exceeds noise limits. A person is ~~guilty of operating a watercraft that exceeds the noise limit if that person operates~~ may not operate an airmobile or motorboat in such a manner as to exceed:

A. A noise level of 90 decibels when subjected to a stationary sound level test ~~with and without cutouts engaged and~~ as prescribed by the commissioner; or

B. A noise level of 75 decibels when subjected to an operational test measured ~~with and without cutouts engaged and~~ as prescribed by the commissioner.

A person who violates this subsection commits a civil violation for which a fine of not less than \$300 nor more than \$500 may be adjudged.

This subsection does not apply to motorboats that are operating in a regatta or race approved by the commissioner under section 7797.

Sec. 2. 12 MRSA §7901-A, sub-§12, ¶A, as amended by PL 2001, c. 667, Pt. A, §30, is further amended by repealing subparagraph (30).

Sec. 3. 38 MRSA §423, first ¶, as amended by PL 1989, c. 502, Pt. B, §49, is further amended to read:

No person, firm, corporation or other legal entity may discharge, spill or permit to be discharged sewage, septic fluids, garbage or other pollutants from watercraft, as defined in Title 12, section 7791, subsection 14, and including houseboats, into inland waters of this State, or on the ice thereof, or on the banks thereof in such a manner that the same may fall or be washed into such waters, or in such manner that the drainage therefrom may flow into such waters.

See title page for effective date.

CHAPTER 278

H.P. 1031 - L.D. 1404

An Act Concerning Representation of the State in Disclosure Hearings

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

Whereas, in order for the Department of the Attorney General to more efficiently serve and

represent the State, this legislation needs immediate enactment; 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. 4 MRSA §807, sub-§3, ¶L, as amended by PL 1999, c. 139, §2, is further amended to read:

L. A person who is not an attorney, but who is representing the Department of Agriculture, Food and Rural Resources in accordance with Title 7, section 3909, subsection 2; ~~or~~

Sec. 2. 4 MRSA §807, sub-§3, ¶M, as enacted by PL 1999, c. 139, §3, is amended to read:

M. A law enforcement officer, as defined in Title 29-A, section 101, subsection 30, who is not an attorney but who is representing the State in the prosecution of a traffic infraction, as defined in Title 29-A, section 101, subsection 85, when representation in that matter has been approved by the prosecuting attorney-; or

Sec. 3. 4 MRSA §807, sub-§3, ¶N is enacted to read:

N. A person who is not an attorney, but is representing the State under section 807-A.

Sec. 4. 4 MRSA §807-A, as amended by PL 1997, c. 526, §14, is further amended to read:

§807-A. Representation by Bureau of Unemployment Compensation, Department of the Attorney General or Bureau of Revenue Services employees

Upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Unemployment Compensation may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter 502, ancillary to the collection of taxes and overpayments for which warrants have been issued pursuant to Title 26, chapter 13.

Upon promulgation of and in accordance with rules adopted by the Supreme Judicial Court, employees of the Bureau of Revenue Services may serve civil process and represent the bureau in District Court in disclosure proceedings pursuant to Title 14, chapter