

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

day before the election and more than 48 hours before 5:00 p.m. on the day of the election, within 48 hours of that expenditure or by noon of the first business day after the expenditure, whichever is later.

Sec. 4. 21-A MRSA §1020-A, sub-§5-A, ¶¶B, C and D, as enacted by PL 2001, c. 714, Pt. PP, §1 and affected by §2, are amended to read:

B. Five thousand dollars for state party committee reports required under section 1017-A, subsection ~~4~~ 4-A, paragraphs ~~A and B~~, C and E and section 1018, subsection 2;

C. One thousand dollars for reports required under section 1017, subsection 2, paragraphs A and F; section 1017, subsection 3-A, paragraphs A and E; and state party committee reports required to be filed under section 1017-A, subsection ~~4~~ 4-A, paragraph B;

D. Five hundred dollars for municipal, district and county committees for reports required under section 1017-A, subsection ~~4~~, paragraphs ~~A, B and C~~ 4-A and section 1018, subsection 2; or

See title page for effective date.

CHAPTER 303

S.P. 297 - L.D. 901

An Act To Update the Abandoned Property Laws

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

Sec. 1. 14 MRSA §6013, as amended by PL 2003, c. 20, Pt. T, §9, is further amended to read:

§6013. Property unclaimed by tenant

Any property with a total value of ~~\$500~~ \$750 or more that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit must be disposed of according to Title 33, chapter 41.

The landlord shall place in storage in a safe, dry, secured location any property with a total value of less than ~~\$500~~ \$750 that is abandoned or unclaimed by a tenant following the tenant's vacating the rental unit. The landlord shall send written notice by first class mail with proof of mailing to the last known address of the tenant concerning the landlord's intent to dispose of the unclaimed property. The notice must include an itemized list of the items and containers of items of property unclaimed. If the tenant claims the property within 14 days after the notice is sent, the

landlord shall continue to store the property for at least 10 days after the tenant's response to allow the tenant time to take possession of the property. The landlord may condition the release of the property to the tenant upon the tenant's payment of all rental arrearages, damages and costs of storage. If the property remains unclaimed after the 14th day after notice has been sent or after the 10th day after the tenant claims the property, the landlord may sell the property for a reasonable fair market price and apply all proceeds to rental arrearages, damages and costs of storage and sale. All remaining balances must then be forwarded to the Treasurer of State.

Sec. 2. 33 MRSA §1954, sub-§2, ¶¶A and B, as enacted by PL 1999, c. 294, §1, are amended to read:

A. Tangible property presumed to be abandoned under this subsection that has a fair market value of ~~\$500~~ \$750 or more must be reported to the administrator as required by this Act. If the administrator refuses delivery of the property and authorizes a holder to sell that property, the landlord shall sell the property in a commercially reasonable manner in accordance with any requirements imposed by the administrator.

(1) After the sale of the property, the landlord may apply any proceeds from the sale to unpaid rent, damages to the premises and the expenses of storage, notice and sale. Any balance and the records of the sale must be reported and delivered to the administrator in accordance with the provisions of this Act.

(2) The record of the sale must include the name of the owner prior to the sale, a description of the property, the proceeds of the sale, any deductions authorized under subparagraph (1) and the balance remaining.

B. Tangible property that has a fair market value of less than ~~\$500~~ \$750 that is left by a tenant may be disposed of by the landlord in accordance with Title 14, section 6013.

See title page for effective date.

CHAPTER 304

S.P. 348 - L.D. 1004

An Act To Clarify the Status of Regulated Water Utility Plumbing Permits

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

Sec. 1. 30-A MRSA §4221, sub-§4, as enacted by PL 1993, c. 404, Pt. B, §1, is amended to read:

4. Inspections and permits not required. Plumbing inspections and permits are not required for:

A. Minor plumbing work or minor installations that are performed in compliance with state laws and rules if that plumbing work or those installations are done inside the structure of a private residence by the owner of that residence; ~~and~~

B. Installation of domestic heating appliances by master oil burner technicians licensed pursuant to Title 32, chapter 33; and

C. Installation of stand-alone water meters, water meters in combination with nontestable backflow prevention devices and related valves by water utility personnel or water utility contractors. The water utility shall include in any notice it provides to a customer regarding entry to install such a meter or related valves a statement that installation of a backflow preventor may necessitate installation by the customer of additional devices, such as an expansion tank, due to thermal expansion.

See title page for effective date.

CHAPTER 305

H.P. 661 - L.D. 884

An Act To Expand the Definition of "Juvenile Crime" To Include the Offenses of Possession and Use of Drug Paraphernalia, Illegal Transportation of Alcohol by a Minor and Transportation of Illegal Drugs by a Minor

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

Sec. 1. 15 MRSA §3103, sub-§1, ¶B, as amended by IB 1999, c. 1, §1, is repealed and the following enacted in its place:

B. Offenses involving illegal drugs or drug paraphernalia as follows:

(1) The possession of a useable amount of marijuana, as provided in Title 22, section 2383, unless the juvenile is authorized to

possess marijuana for medical use pursuant to Title 22, section 2383-B, subsection 5;

(2) The use or possession of drug paraphernalia as provided in Title 17-A, section 1111-A, subsection 4, paragraphs A and B; and

(3) Illegal transportation of drugs by a minor as provided in Title 22, section 2389, subsection 2;

Sec. 2. 15 MRSA §3103, sub-§1, ¶C, as amended by PL 1999, c. 413, §1, is further amended to read:

C. Offenses involving intoxicating liquor, as provided in Title 28-A, ~~section~~ sections 2051 and 2052 and offenses involving refusal to provide proper identification as provided in Title 28-A, section 2087;

Sec. 3. 15 MRSA §3103, sub-§1, ¶G, as enacted by PL 1997, c. 462, §4, is amended to read:

G. A violation of section 393, subsection 1, paragraph C or section 393, subsection 1-A.

Sec. 4. 15 MRSA §3201, sub-§1, as amended by PL 1987, c. 277, §2, is further amended to read:

1. Warrantless arrests. Arrests without warrants of juveniles for juvenile crimes defined by section 3103, subsection 1, paragraphs A, D, E ~~and~~ F and G by law enforcement officers or private persons shall be made pursuant to the provisions of Title 17-A, sections 15 and 16. For purposes of this section, a juvenile crime defined under section 3103, subsection 1, paragraph D, shall be deemed a Class D or Class E crime.

Sec. 5. 15 MRSA §3301, sub-§6, as amended by PL 1999, c. 624, Pt. B, §11, is further amended to read:

6. Review by attorney for the State. If the juvenile community corrections officer decides not to request the attorney for the State to file a petition, the juvenile community corrections officer shall inform the complainant, the law enforcement officer and the victim of the decision and of the reasons for the decision as soon as practicable. The juvenile community corrections officer shall advise the complainant, the law enforcement officer and the victim that they may submit their complaint to the attorney for the State for review.

If the juvenile community corrections officer makes a determination pursuant to subsection 5, paragraph A or B and decides not to request the attorney for the