

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

indications for use of the drug, the appropriate method for using the drug, the need for medical follow-up and referral information, information on sexual assault and referral information and other appropriate information.

### **§13825. Confidentiality**

Nothing in this subchapter affects the provisions of law relating to maintaining the confidentiality of medical records.

**Sec. 2. Development of fact sheet.** In developing the fact sheet required under the Maine Revised Statutes, Title 32, section 13824, the Department of Professional and Financial Regulation, Maine Board of Pharmacy shall consult with and solicit input from the Department of Human Services, the American College of Obstetricians and Gynecologists, the Maine Pharmacy Association and other relevant health care organizations. After this consultation and review, the Maine Board of Pharmacy may use, as its standardized fact sheet, an existing publication developed by nationally recognized medical organizations.

See title page for effective date.

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## **CHAPTER 525**

**H.P. 1230 - L.D. 1652**

### **An Act Regarding the Number of Jurors Required To Render a Verdict in a Civil Trial**

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

**Whereas,** correcting the number of jurors required to render a verdict should be done as soon as possible to avoid inconsistencies among civil trials and verdicts; 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. 14 MRSA §1204, sub-§1,** as enacted by PL 2003, c. 299, §1, is amended to read:

**1. Number of members.** The court shall seat a jury of either 8 or 9 members, and all jurors shall participate in the verdict unless excused for good cause by the court. Unless the parties otherwise

stipulate, the verdict must be decided by the unanimous votes of at least ~~3/4~~ 2/3 of the jurors participating in the verdict and no verdict may be taken from a jury reduced to fewer than 7 members.

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

Effective March 3, 2004.

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## **CHAPTER 526**

**H.P. 1235 - L.D. 1659**

### **An Act To Streamline the Time-share Rate Collection Process**

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

**Whereas,** utilities that provide service to time-share estates on a property-wide basis and not on an individual-owner basis confront great practical difficulties if required by the managing entity to bill individual time-share owners, and some utilities are currently being required to confront such difficulties; 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. 33 MRSA §593-A** is enacted to read:

#### **§593-A. Utility billing for time-share estates**

**1. Definitions.** As used in this section, the following terms have the following meanings.

**A. "Assessment"** means any rate, fee or charge assessed or imposed by a utility for the provision of its service to time-share units, other than service that is metered or otherwise measured and billed on an individual time-share owner basis.

**B. "Utility"** means a public utility as defined in Title 35-A, section 102, sanitary district established under Title 38, chapter 11 or sewer district as defined in Title 38, section 1251.

**2. Authority of managing entities.** Notwithstanding section 593, subsection 2, when a utility provides services to time-share units, the managing

entity may collect and receive money from the time-share owners for the purpose of paying the assessment.

**3. Authority of utility to require assessment collection.** Notwithstanding section 593, subsection 2, on written request of a utility, a managing entity shall collect and receive money from the time-share owners in accordance with this subsection for the purpose of paying assessments.

A. The utility shall provide the managing entity a combined or total utility bill and any additional information that may be reasonably useful for the managing entity to allocate the cost of utility service to the time-share owners.

B. The managing entity shall maintain an escrow account with a financial institution licensed by the State and deposit any money collected or received for the utility's assessments in the escrow account within 10 days after collection or receipt. The escrow account must be established in the names of both the managing entity and the utility. A withdrawal may not be made from the escrow account without the written agreement of the utility.

C. Prior to the delinquency date established by the utility, the managing entity shall pay to the utility all money deposited in the escrow account under paragraph B for the purpose of paying the assessment. If the amount paid from the escrow account is not sufficient to discharge all assessments due and owing:

(1) The managing entity shall pay the difference and, in accordance with section 594, place a lien on those time-share estates whose owners have not contributed their apportioned share to the escrow account; or

(2) At the request of the utility, the managing entity shall provide a list identifying the delinquent owners and their interests, including periods of ownership, and the utility may proceed to collect the assessments from those interests as allowed by law. If the utility uses any lien procedure available to it under law to collect delinquent assessments on time-share estates, any required notice of the lien that the utility sends to a time-share estate owner must also be given to the managing entity or left at the managing entity's last and usual place of abode or the utility must send to the managing entity by certified mail, return receipt requested, either a copy of the notice sent to the time-share estate owner or a notice that lists all time-share estate owners to whom notices have been delivered. For

sending the notice or notices to the managing entity, the utility may receive \$5 plus all certified mail, return receipt requested fees and the cost of any photocopying.

**4. Exercise of other utility authority not precluded.** Nothing in this section limits the authority of a utility and a managing entity to make other mutually acceptable arrangements for collection of assessments. Nothing in this section limits the authority of a utility to take any other action available under law to collect and recover assessments.

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

Effective March 3, 2004.

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## CHAPTER 527

H.P. 1236 - L.D. 1660

### An Act To Clarify the Law Pertaining to the Discharge of a Firearm near a Dwelling

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

**Sec. 1. 12 MRSA §11209**, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by Pt. D, §7, is amended to read:

#### §11209. Discharge of firearm near dwelling

**1. Prohibition.** A person may not:

A. Unless a relevant municipal ordinance provides otherwise and except as provided in sections 12401 and 12402, discharge a firearm within 100 yards of a residential dwelling or a farm building used for sheltering livestock, machines or harvested crops without the permission of the owner or, in the owner's absence, of an adult occupant of that dwelling; or

B. Possess a wild animal or wild bird taken in violation of this subsection, except as otherwise provided in this Part.

This subsection may not be construed to prohibit a person from killing or taking a wild animal in accordance with sections 12401 and 12402.

A person who violates this subsection commits a Class E crime.

See title page for effective date.

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