

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

Rule 66, including any appeal under section 2115-B, is a matter wholly within the discretion of the court. Subchapters ~~IV 4~~ and ~~V 5~~ apply.

Sec. 3. 15 MRSA §2115-B, as amended by PL 2003, c. 17, §3, is further amended to read:

§2115-B. Appeal by aggrieved contemnor

1. Summary contempt proceedings involving punitive sanctions. In a summary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, instituted under ~~either the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66~~, before a Judge of the District Court or Probate Court or a Justice of the Superior Court or the Supreme Judicial Court, a contemnor who is aggrieved by an order and imposition of a punitive sanction may appeal to the Supreme Judicial Court sitting as the Law Court, as provided under section 2111 or 2115 and the applicable Maine Rules of Appellate Procedure.

2. Plenary contempt proceedings involving punitive sanctions. In a plenary contempt proceeding involving punitive sanctions, accompanied or unaccompanied by remedial sanctions, instituted under ~~either the Maine Rules of Criminal Procedure, Rule 42 or the Maine Rules of Civil Procedure, Rule 66~~, any contemnor aggrieved by an adjudication and imposition of a punitive sanction may appeal to the Supreme Judicial Court sitting as the Law Court, as provided under section 2111 or 2115 and the applicable Maine Rules of Appellate Procedure.

See title page for effective date.

CHAPTER 553

H.P. 1552 - L.D. 2182

An Act To Allow Civil Penalties for Damaging Utility Property or for Theft of Utility Services

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

Whereas, theft of utility services and property is a significant and growing problem in the State; and

Whereas, theft of utility services and property imposes costs on all users of utility services and endangers the health and safety of utility workers and the general public; 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 preserva-

tion 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 §2705, as amended by PL 1993, c. 106, §3, is repealed.

Sec. 2. 35-A MRSA §2706 is enacted to read:

§2706. Civil liability for utility services wrongfully obtained

A person may not obtain utility services by deception, threat or force or any other means designed to avoid due payment for the services that the person knows are available only for compensation and a person may not, having control over the disposition of utility services of another to which the person knows the person is not entitled, divert such utility services to the person's own benefit or to the benefit of some other person who the person knows is not entitled to the utility services. A person who violates this section is liable in a civil action to the utility providing the service for:

1. Cost of service. The cost of the utility services wrongfully obtained or diverted plus interest on the value of those services based on an annual interest rate of 5%;

2. Other costs. All other reasonable costs to the utility, including attorney's fees and costs of undertaking and completing the investigation resulting in a determination of liability under this section; and

3. Civil penalty. A civil penalty not to exceed \$2,500 due and payable to the utility for each violation of this section.

A person who is liable under this section may not pass on the cost of that liability, including any civil penalty assessed, to any tenants of that person who received diverted or wrongfully obtained utility services due to the actions of the liable person.

Sec. 3. 35-A MRSA §2707 is enacted to read:

§2707. Civil liability for damages to utility property

A person may not intentionally, knowingly or recklessly damage, destroy or tamper with property of a utility having no reasonable grounds to believe that the person has a right to do so if such conduct creates a risk of interruption or impairment of services rendered to the public or causes a substantial interruption or impairment of services rendered to the public. A person who violates this section is liable in a civil action to the utility owning the property affected for:

1. Cost of repair or replacement. The cost of repair or replacement of the utility property, as necessary;

2. Other costs. All other reasonable costs to the utility, including attorney's fees and costs of undertaking and completing the investigation resulting in a determination of liability under this section; and

3. Civil penalty. A civil penalty not to exceed \$2,500 due and payable to the utility for each violation of this section.

Sec. 4. 35-A MRSA §2708 is enacted to read:
§2708. Civil liability for utility property wrongfully obtained

A person may not obtain or exercise unauthorized control over the property of a utility with intent to deprive the utility of the property. A person who violates this section is liable in a civil action to the utility owning the property affected for:

1. Cost of replacement. The cost of replacement of the utility property, as necessary;

2. Other costs. All other reasonable costs to the utility, including attorney's fees and costs of undertaking and completing the investigation resulting in a determination of liability; and

3. Civil penalty. A civil penalty not to exceed \$2,500 due and payable to the utility for each violation of this section.

Sec. 5. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 35-A, chapter 27, in the chapter headnote, the words "inspection of meters" are amended to read "inspection of meters and civil liability" and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

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

Effective April 3, 2008.

CHAPTER 554

H.P. 1593 - L.D. 2232

An Act To Amend the Games of Cards Law

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

Sec. 1. 17 MRSA §339, sub-§3, as amended by PL 1991, c. 528, Pt. H, §2 and affected by Pt. RRR and amended by c. 591, Pt. H, §2, is further amended to read:

3. Games of cards. The fee for a license issued to an organization to operate a game of cards, when the organization charges no more than ~~\$4~~ a \$5 daily entry fee for participation in the games of cards and

when no money or valuable thing other than the ~~\$4~~ \$5 daily entry fee is gambled by any person in connection with the game of cards, is ~~\$7.50~~ \$30 for each calendar year or portion thereof. For card games that are played by placing a maximum bet of \$1 per hand or deal, the license fee is the same as provided in subsection 2.

Sec. 2. 17 MRSA §341, sub-§1, as amended by PL 1999, c. 716, §9, is repealed and the following enacted in its place:

1. Limits. The maximum bet for licensed games of chance, including card games in which bets are placed per hand or per deal, is \$1 for any one chance, hand or deal. Licensed card games that award part or all of the entry fees paid to participate as prize money and in which no money or thing of value is wagered except for the entry fee are limited to a \$5 daily entry fee and no more than 40 players at any one time at any one location.

See title page for effective date.

CHAPTER 555

H.P. 1630 - L.D. 2267

An Act To Increase the Number of Concealed Firearms Permit Reciprocity Agreements That Maine May Enter into with Other Eligible States

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

Sec. 1. 25 MRSA §2001-A, sub-§2, ¶F, as enacted by PL 2003, c. 452, Pt. N, §2 and affected by Pt. X, §2, is amended to read:

F. A firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state if a permit to carry a concealed firearm issued from that state has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with ~~2~~ any other states that meet the requirements of this paragraph. Reciprocity may be granted to a permit to carry a concealed firearm issued from another state if:

- (1) The other state that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and
- (2) The other state that issued the permit to carry a concealed firearm observes the same rules of reciprocity ~~in regards to~~ regarding a