

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
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**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Augusta, Maine**  
**2009**

**CHAPTER 135  
H.P. 704 - L.D. 1029**

**An Act To Authorize  
Municipalities To Protect the  
Habitability of Rental Housing  
during Heating Fuel  
Emergencies**

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

**Sec. 1. 14 MRSA §6026-A is enacted to read:**

**§6026-A. Municipal intervention to provide deliv-  
ery of heating fuel**

In accordance with the procedures provided in this section, the municipal officers of any town or city or their designee may provide for the delivery of heating fuel and any associated heating system repair activities to ensure the continued habitability of any premises leased for human habitation.

**1. Leased premises must be out or nearly out of heating fuel.** The leased premises must be out of heating fuel or nearly out of heating fuel such that the municipal officers or their designee can make a finding that an imminent threat to the continued habitability of the premises exists.

**2. Attempt to contact landlord.** The municipal officers or their designee must document a good faith attempt to contact the landlord of the premises under subsection 1 regarding:

- A. The municipality's determination of the threat to habitability;
- B. The municipality's intention to provide for the delivery of heating fuel;
- C. The municipality's intention to subsequently recover the municipality's direct and administrative costs from the landlord; and
- D. The landlord's ability to avert the municipality's actions by causing the delivery of adequate supplies of heating fuel by a time certain.

This communication to the landlord must be either in person, by telephone or by certified mail as may be warranted considering the degree or imminence of the threat.

**3. Municipality may provide for delivery of heating fuel.** If the landlord cannot be contacted in a timely manner or if the landlord does not cause the delivery of adequate supplies of heating fuel by a deadline identified by the municipal officers or their designee, the municipality may provide for the delivery of an adequate supply of heating fuel and whatever attendant activities may be necessary to ensure the

proper functioning of the leased premises' heating system.

**4. Lien.** The municipality has a lien against the landlord of the leased premises for the amount of money spent by the municipality to provide for the adequate supply of heating fuel and attendant activities pursuant to this section, as well as all reasonably related administrative costs pursuant to subsection 3.

**5. Filing of notice of lien; interest; costs.** The municipal officers or their designee shall file a notice of the lien with the register of deeds of the county in which the property is located within 30 days of providing for the delivery of heating fuel. That filing secures the municipality's lien interest for an amount equal to the costs recoverable pursuant to this section. Not less than 10 days prior to the filing, the municipal officers or their designee shall send notification of the proposed action by certified mail, return receipt requested, to the owner of the real estate and any record holder of the mortgage. The lien notification must contain the title, address and telephone number of the municipal official or officers who authorized the provision of heating fuel, an itemized list of the costs to be recovered by lien and the provisions of this subsection regarding interest rates and costs. The lien is effective until enforced by an action for equitable relief or until discharged. Interest on the amount of money secured by the lien may be charged by the municipality at a rate determined by the municipal officers but in no event may the rate exceed the maximum rate of interest allowed by the Treasurer of State pursuant to Title 36, section 186. Interest accrues from and including the date the lien is filed. The costs of securing and enforcing the lien are recoverable upon enforcement.

See title page for effective date.

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**CHAPTER 136  
S.P. 311 - L.D. 803**

**An Act To Authorize an Active  
Retired Justice or Judge To  
Conduct Arbitration and Chair  
Medical Malpractice Screening  
Panels**

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

**Sec. 1. 4 MRSA §104,** as amended by PL 1983, c. 853, Pt. C, §§9 and 18, is further amended to read:

**§104. Active retired justices**

Any Justice of the Superior Court who has retired from the court under this chapter in effect prior to December 1, 1984, or any Justice of the Superior Court who retires or terminates ~~his~~ that justice's service on

the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Justice of the Superior Court. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, may appoint any eligible justice as an Active Retired Justice of the Superior Court for a term of 7 years, unless sooner removed. That justice may be reappointed for a like term. Any justice so appointed and designated ~~shall thereupon constitute~~ constitutes a part of the court from which ~~he that justice~~ has retired and ~~shall have~~ has the same jurisdiction and ~~be~~ is subject to the same restrictions therein as before retirement, ~~except that he shall.~~ An Active Retired Justice of the Superior Court may serve as an arbitrator and conduct arbitration in accordance with rules that may be adopted by the Supreme Judicial Court, except that nothing in this section requires the Supreme Judicial Court to adopt those rules. An Active Retired Justice of the Superior Court may chair screening panels in accordance with Title 24, chapter 21, subchapter 4-A. An Active Retired Justice of the Superior Court may act only in the cases and matters and hold court only at the terms and times as he may be that justice is directed and assigned to by the Chief Justice of the Supreme Judicial Superior Court. Any Active Retired Justice of the Superior Court may be directed by the Chief Justice to hold any term of the Superior Court in any county and when so directed shall have has authority and jurisdiction therein the same as if he that justice were the regular justice of that court. Whenever the Chief Justice of the Supreme Judicial Superior Court so orders, that justice may hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice justice of that Superior Court is authorized to hear and issue. An Active Retired Justice of the Superior Court receives reimbursement for expenses actually and reasonably incurred in the performance of that justice's duties.

**Sec. 2. 4 MRSA §157-B**, as amended by PL 1983, c. 853, Pt. C, §§12 and 18, is further amended to read:

**§157-B. Active retired judges; appointment**

Any Judge of the District Court who has retired from the court under this chapter prior to December 1, 1984, or any Judge of the District Court who retires or terminates ~~his that judge's~~ service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Judge of the District Court as provided. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, may appoint any eligible judge to be an Active Retired Judge of the District Court for a term of 7 years, unless sooner removed. That judge may be reappointed for a like term. Any judge so appointed and

designated ~~shall thereupon constitute~~ constitutes a part of the court from which ~~he that judge~~ has retired and ~~shall have~~ has the same jurisdiction and ~~be~~ is subject to the same restrictions therein as before retirement, ~~except that he shall.~~ An Active Retired Judge of the District Court may serve as an arbitrator and conduct arbitration in accordance with rules that may be adopted by the Supreme Judicial Court, except that nothing in this section requires the Supreme Judicial Court to adopt those rules. An Active Retired Judge of the District Court may chair screening panels in accordance with Title 24, chapter 21, subchapter 4-A. An Active Retired Judge of the District Court may act only in those cases and matters and hold court only at those sessions and times as he may be that judge is directed and assigned to by the Chief Judge of the District Court. Any Active Retired Judge of the District Court may be directed by the Chief Judge to hold any session of the District Court in any district and when so directed shall have has authority and jurisdiction therein the same as if he that judge were the regular judge of that court; and, whenever the Chief Judge of the District Court so orders, may hear all matters and issue all orders, notices, decrees and judgments that any Judge of that District Court is authorized to hear and issue. An Active Retired Judge shall receive of the District Court receives reimbursement for his expenses actually and reasonably incurred in the performance of his that judge's duties.

**Sec. 3. 24 MRSA §2852, sub-§1**, as amended by PL 1991, c. 130, §1, is further amended to read:

**1. Creation of panel lists.** The Chief Justice of the Superior Court shall recommend to each clerk of the Superior Court the names of retired or active retired justices and judges, persons with judicial experience and other qualified persons to serve on screening panels under this subchapter. The clerk shall place these names on a list from which the Chief Justice of the Superior Court will choose a panel chair under subsection 2.

Each clerk of the Superior Court shall maintain lists of health care practitioners, health care providers and attorneys recommended by the professions involved to serve on screening panels under this subchapter.

**Sec. 4. 24 MRSA §2852, sub-§2, ¶A**, as amended by PL 1991, c. 130, §2, is further amended to read:

A. Upon receipt of a notice of claim under section 2853, the clerk of the Superior Court who receives the notice shall notify the Chief Justice of the Superior Court. The Chief Justice shall choose a retired or active retired justice or judge, a person with judicial experience or other qualified person from the list maintained by the clerk to serve as chair of the panel to screen the claim. If at any time a chair chosen under this paragraph is unable or unwilling to serve, the Chief Justice shall ap-

point a replacement following the procedure in this paragraph for the initial appointment of a chair. Persons other than retired or active retired justices and judges or those with judicial experience may be appointed as chair based on appropriate trial experience. In the event that the Chief Justice seeks to appoint as chair a person who is not a retired or active retired justice or judge or does not have judicial experience, each side is entitled to exercise one challenge to the appointment of a chair by the Chief Justice.

See title page for effective date.

## CHAPTER 137

### H.P. 568 - L.D. 832

#### An Act To Require Lobbyists To Wear Name Tags

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

**Sec. 1. 3 MRSA §327** is enacted to read:

#### §327. Name tag requirement

A person who is required to register as a lobbyist or a lobbyist associate in accordance with this chapter shall wear a clearly visible name tag whenever the lobbyist or lobbyist associate is engaged in the act of lobbying. The name tag must clearly display the lobbyist's name and must include either the name of the firm the lobbyist works for, the name of the lobbyist's employer, the organization the lobbyist represents or the term "lobbyist."

See title page for effective date.

## CHAPTER 138

### H.P. 281 - L.D. 374

#### An Act To Amend the Laws Concerning Campaign Report Exemptions

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

**Sec. 1. 21-A MRSA §1017, sub-§7-A**, as corrected by RR 1995, c. 2, §36, is amended to read:

**7-A. Reporting exemption.** A candidate seeking election to a county or municipal office is exempt from reporting as provided by this subsection.

A. A candidate seeking election to a county or municipal office may, at the time the candidate registers under section 1013-A, notify the commission that the candidate and the candidate's

agents, if any, will not personally accept contributions, make expenditures or incur obligations associated with that candidate's candidacy. The notification must be sworn and notarized. A candidate who provides this notice to the commission is not required to appoint a treasurer and is not subject to the filing requirements of this subchapter if the statement is true.

B. The notice provided to the commission under paragraph A may be revoked. Prior to revocation, the candidate must appoint a treasurer. The candidate may not accept contributions, make expenditures or incur obligations before the appointment of a treasurer and the filing of a revocation notice are accomplished. A revocation notice must be in the form of an amended registration, which must be filed with the commission no later than 10 days after the appointment of a treasurer. The candidate and the candidate's treasurer, as of the date the revocation notice is filed with the commission, may accept contributions, make expenditures and incur obligations associated with the candidate's candidacy. Any candidate who fails to file a timely revocation notice is subject to the penalties prescribed in section 1020-A, subsection 4 4-A, up to a maximum of \$5,000. Lateness is calculated from the day a contribution is received, an expenditure is made or an obligation is incurred, whichever is earliest.

See title page for effective date.

## CHAPTER 139

### H.P. 352 - L.D. 497

#### An Act To Conserve Energy in Residential Leasehold Tenancies

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

**Sec. 1. 14 MRSA §6021, sub-§6-A** is enacted to read:

**6-A. Agreement regarding provision of heat.** A landlord and tenant under a lease or a tenancy at will may enter into an agreement for the landlord to provide heat at less than 68 degrees Fahrenheit. The agreement must:

A. Be in a separate written document, apart from the lease, be set forth in a clear and conspicuous format, readable in plain English and in at least 12-point type, and be signed by both parties to the agreement;

B. State that the agreement is revocable by either party upon reasonable notice under the circumstances;