

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

**CHAPTER 168
H.P. 485 - L.D. 702**

**An Act To Allow the Donation
of Certain Perishable Food
Products to Nonprofit
Organizations**

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

Sec. 1. 14 MRSA §166, sub-§4, as enacted by
PL 1981, c. 300, is amended to read:

4. Application. This section applies to all good
faith donations of perishable food ~~which~~ that is not
readily marketable due to appearance, freshness,
grade, surplus or other conditions, including food that
is beyond the date by which the manufacturer recom-
mends that the food be sold, but nothing in this section
restricts the authority of any appropriate agency to
regulate or bar the use of that food for human con-
sumption.

See title page for effective date.

**CHAPTER 169
H.P. 740 - L.D. 1073**

**An Act To Provide for
Insurance Coverage of
Telemedicine Services**

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

Sec. 1. 24-A MRSA §4316 is enacted to read:

§4316. Coverage for telemedicine services

1. Definition. For the purposes of this section,
"telemedicine," as it pertains to the delivery of health
care services, means the use of interactive audio, video
or other electronic media for the purpose of diagnosis,
consultation or treatment. "Telemedicine" does not
include the use of audio-only telephone, facsimile ma-
chine or e-mail.

2. Coverage of telemedicine services. A carrier
offering a health plan in this State may not deny cov-
erage on the basis that the coverage is provided
through telemedicine if the health care service would
be covered were it provided through in-person consul-
tation between the covered person and a health care
provider. Coverage for health care services provided
through telemedicine must be determined in a manner
consistent with coverage for health care services pro-
vided through in-person consultation. A carrier may
offer a health plan containing a provision for a ded-
uctible, copayment or coinsurance requirement for a
health care service provided through telemedicine as

long as the deductible, copayment or coinsurance does
not exceed the deductible, copayment or coinsurance
applicable to an in-person consultation.

See title page for effective date.

**CHAPTER 170
H.P. 365 - L.D. 520**

**An Act Authorizing Colleges
and Universities To Regulate
Public Safety on Their
Campuses**

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

Sec. 1. 20-A MRSA §10009 is enacted to
read:

**§10009. Regulation of public safety on college and
university campuses**

1. Definition. As used in this section the follow-
ing terms have the following meanings.

A. "College or university" means any postsec-
ondary educational institution, including:

- (1) Any degree-granting educational institu-
tion regulated under chapter 409;
- (2) Any university in the University of
Maine System;
- (3) Any college in the Maine Community
College System; and
- (4) The Maine Maritime Academy.

2. Power to regulate. Nothing in Title 25, sec-
tion 2011 limits the power of any college or university
to regulate the possession of firearms on the property
of the college or university.

See title page for effective date.

**CHAPTER 171
H.P. 571 - L.D. 835**

**An Act To Amend the Forcible
Entry and Detainer Laws**

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

Sec. 1. 14 MRSA §6002, first ¶, as amended
by PL 2003, c. 296, §1, is further amended to read:

Tenancies at will must be terminated by either
party by a minimum of 30 days' notice, except as pro-
vided in ~~subsection 1~~ subsection 2, in writing for that
purpose given to the other party, but if the landlord or

the landlord's agent has made at least 3 good faith efforts to serve the tenant, that service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's last and usual place of abode. In cases when the tenant has paid rent through the date when a 30-day notice would expire, the notice must expire on or after the date through which the rent has been paid. Either party may waive in writing the 30 days' notice at the time the notice is given, and at no other time prior to the giving of the notice. A termination based on a 30-day notice is not affected by the receipt of money, whether previously owed or for current use and occupation, until the date a writ of possession is issued against the tenant during the period of actual occupancy after receipt of the notice. When the tenancy is terminated, the tenant is liable to the process of forcible entry and detainer without further notice and without proof of any relation of landlord and tenant unless the tenant has paid, after service of the notice, rent that accrued after the termination of the tenancy. These provisions apply to tenancies of buildings erected on land of another party. Termination of the tenancy is deemed to occur at the expiration of the time fixed in the notice. A 30-day notice under this paragraph and a 7-day notice under subsection 2 may be combined in one notice to the tenant.

Sec. 2. 14 MRSA §6002, sub-§1, as amended by PL 1999, c. 248, §1, is repealed and the following enacted in its place:

1. Causes for 7-day notice of termination of tenancy. Notwithstanding any other provisions of this chapter, the tenancy may be terminated upon 7 days' written notice in the event that the landlord can show, by affirmative proof, that:

A. The tenant, the tenant's family or an invitee of the tenant has caused substantial damage to the demised premises that the tenant has not repaired or caused to be repaired before the giving of the notice provided in this subsection;

B. The tenant, the tenant's family or an invitee of the tenant caused or permitted a nuisance within the premises, has caused or permitted an invitee to cause the dwelling unit to become unfit for human habitation or has violated or permitted a violation of the law regarding the tenancy; or

C. The tenant is 7 days or more in arrears in the payment of rent.

If a tenant who is 7 days or more in arrears in the payment of rent pays the full amount of rent due before the expiration of the 7-day notice in writing, that notice is void. Thereafter, in all residential tenancies at will, if the tenant pays all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually expended by the landlord before the issuance of the writ of possession as provided

by section 6005, then the tenancy must be reinstated and no writ of possession may issue.

In the event that the landlord or the landlord's agent has made at least 3 good faith efforts to personally serve the tenant in-hand, that service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's last and usual place of abode.

Payment or written assurance of payment through the general assistance program, as authorized by the State or a municipality pursuant to Title 22, chapter 1161, has the same effect as payment in cash.

Sec. 3. 14 MRSA §6002, sub-§2, as amended by PL 1999, c. 248, §2, is repealed and the following enacted in its place:

2. Ground for termination notice. A notice of termination issued pursuant to subsection 1 must indicate the specific ground claimed for issuing the notice.

A. If a ground claimed is rent arrearage of 7 days or more, the notice must also include a statement:

(1) Indicating the amount of the rent that is 7 days or more in arrears as of the date of the notice; and

(2) Setting forth the following notice: "If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void. After this notice expires, if you pay all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated."

B. If the notice states an incorrect rent arrearage or contains any other clerical errors that do not significantly or materially alter the purpose or understanding of the notice, the notice cannot be held invalid if the landlord can show the error was unintentional.

See title page for effective date.

CHAPTER 172

H.P. 668 - L.D. 966

An Act To Amend the Licensing Requirements for Marriage and Family Therapists

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