

# 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-FIFTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 1, 2010 to June 29, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 28, 2011**

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

---

---

**Augusta, Maine**  
**2011**

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

**Sec. 1.** 35-A MRSa §3209-A is enacted to read:

**§3209-A. Net energy billing**

The commission may adopt or amend rules governing net energy billing. Rules adopted or amended under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. "Net energy billing" means a billing and metering practice under which a customer is billed on the basis of net energy over the billing period taking into account accumulated unused kilowatt-hour credits from the previous billing period.

**Sec. 2. Amendment of rules.** The Public Utilities Commission shall amend its Rule Chapter 313 governing net energy billing to direct transmission and distribution utilities to develop term lengths for contracts for net energy billing and interconnection agreements for a length of time not to exceed 10 years that will not prevent owners or operators of eligible facilities with an installed capacity of at least 100 kilowatts but no greater than 660 kilowatts from securing reasonable financing, as determined by the commission, for the construction, renovation or upgrade of the eligible facility.

See title page for effective date.

**CHAPTER 263**

**H.P. 772 - L.D. 1038**

**An Act Regarding Property Deposited with Museums and Historical Societies**

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

**Sec. 1.** 27 MRSa §601, as amended by PL 2003, c. 20, Pt. T, §16, is further amended to read:

**§601. Property deposited with museums**

**1. Property to be considered abandoned; definition.** Any tangible property held by a museum or historical society within the State that is held for ~~25~~ 3 years or more without a written gift or loan agreement, or after expiration of a written loan agreement, and to which no a person has not made claim is deemed considered to be abandoned and, notwithstanding Title 33, chapter 41, becomes the property of the museum or society, ~~provided that as long as the estimated market value of the material is less than \$100 or the museum or society has complied with subsection 2.~~ The estimated market value must be determined by a qualified appraiser, and a written copy of the determination must be retained in the museum's permanent records.

As used in this section, "museum" means an organization that is operated by a nonprofit corporation, public agency or educational institution primarily for educational, scientific, historic preservation, cultural or aesthetic purposes and that owns, cares for, exhibits, studies, archives and catalogues tangible property and includes, but is not limited to, historical societies, archives and art, history, science and natural history organizations.

**2. Notice.** ~~The~~ With respect to property under subsection 1 with a value of \$100 or greater, for the property to become the property of the museum, the museum ~~or society~~ shall first exercise due diligence in attempting to notify the owner via certified mail, return receipt requested, to the owner's last known address and via electronic communication if appropriate. If an address is unavailable or these attempts fail, the museum shall cause to be published in at least one newspaper of general circulation in the county in which the museum ~~or society~~ is located at least once a week for 2 consecutive weeks a notice and listing of the property. The notice must contain:

- A. The name and last known address, if any, of the last known owner of the property;
- B. A description of the property; ~~and~~
- C. A statement that if proof of claim is not presented by the current owner to the museum ~~or society~~ and if the owner's right to receive the property is not established to the museum's ~~or society's~~ satisfaction within 65 days from the date of the 2nd published notice, the property ~~will be deemed~~ is considered abandoned and become becomes the property of the museum ~~or society~~;
- D. The date of the loan of the property, if known, or the approximate date the property came into the custody of the museum;
- E. The name of the museum; and
- F. The name, address and contact information of the appropriate museum official or office to be contacted regarding the property.

**3. Title to property.** If property is abandoned under subsection 1, including property with respect to which notice under subsection 2 is required if no claim has been made to the property within 65 days from the date of the 2nd published notice, title to the property ~~shall vest vests~~ in the museum ~~or society~~, free from all claims of the previous owner and of all persons claiming through or under ~~him~~ the previous owner.

**4. Emergency conservation measures.** Unless a written loan agreement provides otherwise, a museum may apply conservation measures to, or dispose of, undocumented property or property on loan to the museum without the owner's permission if:

A. Immediate action is required to protect the undocumented property or property on loan; or

B. The undocumented property or the property on loan has become a hazard to the health or safety of the public or to the museum's staff and at least one of the following applies:

(1) The property poses an immediate risk of harm to the museum's staff or collection or to the general public, in which case the museum may dispose of the property without delay and shall notify the owner of the action taken within 30 days;

(2) The museum is unable to reach the owner through available means of communication and action with respect to the property is necessary within 30 days; and

(3) The museum contacts the owner and the owner does not agree to the protective measures the museum recommends and does not, or is unable to, terminate the loan and collect the property within the time the museum determines the action is necessary.

**5. Protection for reasonable actions.** Unless a written loan agreement provides otherwise, a museum that applies conservation measures to or disposes of loaned property in accordance with subsection 4:

A. Shall acquire and may enforce a lien on the loaned property in the amount of the costs incurred by the museum;

B. Is not liable to the owner for damage to, or loss of, the loaned property as long as the museum had a reasonable belief at the time the action was taken that the action was necessary; and

C. Is not liable to the owner for damage to, or loss of, the loaned property due to conservation measures applied, as long as the museum exercised reasonable care in choosing and applying the conservation measures.

See title page for effective date.

---

---

**CHAPTER 264**

**H.P. 817 - L.D. 1082**

**An Act Concerning the  
Protection of Personal  
Information in  
Communications with Elected  
Officials**

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

**Sec. 1. 1 MRSA §402, sub-§3, ¶C-1** is enacted to read:

C-1. Information contained in a communication between a constituent and an elected official if the information:

(1) Is of a personal nature, consisting of:

(a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(b) Credit or financial information;

(c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family;

(d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or

(e) An individual's social security number; or

(2) Would be confidential if it were in the possession of another public agency or official;

**Sec. 2. Right To Know Advisory Committee.** The Right To Know Advisory Committee, as established in the Maine Revised Statutes, Title 1, section 411, subsection 1, shall examine the benefit of public disclosure of elected officials' e-mails and other records balanced with the availability of technology and other systems necessary to maintain the records and to provide public access. The Right To Know Advisory Committee's findings and any recommendations must be included in its 2012 annual report pursuant to Title 1, section 411, subsection 10.

See title page for effective date.

---

---

**CHAPTER 265**

**H.P. 1004 - L.D. 1365**

**An Act Regarding Protection  
Orders**

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

**Sec. 1. 19-A MRSA §4012, sub-§11** is enacted to read:

**11. Service of protection from abuse order.** Every municipal, county and state law enforcement agency shall adopt a written policy on the service of protection from abuse orders that directs that every order issued under this chapter is served on the subject of the order as quickly as possible. Service of a protection from abuse order that is not in compliance with