

MAINE STATE LEGISLATURE

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

Augusta, Maine
2011

Sec. 17. Transition of membership of State Board of Corrections. Notwithstanding the Maine Revised Statutes, Title 34-A, section 1802, subsection 1, a member of the State Board of Corrections who is serving on the effective date of this Act continues to serve until the expiration of that member's term and until that member's replacement is appointed and confirmed.

See title page for effective date.

CHAPTER 375

H.P. 533 - L.D. 703

**An Act To Amend the Laws
Governing Licensure
Compliance Methods for
Camping Areas, Recreational
Camps, Youth Camps and
Eating Establishments**

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

Sec. 1. 22 MRSA §2494, last ¶, as amended by PL 2007, c. 539, Pt. F, §1, is further amended to read:

All such fees are for the license, ~~2~~ one licensure ~~inspections~~ inspection and one follow-up inspection. When additional inspections are required to determine an applicant's eligibility for licensure, the department is authorized through its rules to charge an additional fee not to exceed \$100 to cover the costs of each additional inspection or visit. Failure to pay such charges within 30 days of the billing date constitutes grounds for revocation of the license, unless an extension for a period not to exceed 60 days is granted in writing by the commissioner.

Sec. 2. 22 MRSA §2497, as amended by PL 1991, c. 528, Pt. J, §4 and affected by Pt. RRR and amended by c. 591, Pt. J, §4, is further amended to read:

§2497. Right of entry, inspection and determination of compliance

The department and any duly designated officer or employee of the department have the right, without an administrative inspection warrant, to enter upon and into the premises of any establishment licensed pursuant to this chapter at any reasonable time in order to determine the state of compliance with this chapter and any rules in force pursuant to this chapter. ~~The department shall make an inspection of the premises of any establishment licensed under this chapter at least once in each year.~~ Such right of entry and inspection extends to any premises ~~which~~ that the department has reason to believe is being operated or maintained without a license but no such entry and inspection of

any premises may be made without the permission of the owner or person in charge unless a search warrant is obtained authorizing entry and inspection. The department and any duly designated officer or employee of the department do not have the right to enter, for inspection under this chapter, upon and into the premises of any establishment that is licensed under chapter 551, subchapter ~~1~~ 1.

Determination of compliance with this chapter and any rules adopted pursuant to this chapter must be made at least once every 2 years by inspection or other method as determined by the department.

See title page for effective date.

CHAPTER 376

S.P. 442 - L.D. 1428

**An Act To Amend the Laws
Governing Self-service Storage
in the State**

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

Sec. 1. 10 MRSA §1372, sub-§1-A is enacted to read:

1-A. Abandoned leased space. "Abandoned lease space" means a leased space that the operator finds unlocked and empty or unlocked and containing personal property with a value less than \$750 or a leased space possession of and all rights to which and any personal property within which have been surrendered to the operator by the occupant.

Sec. 2. 10 MRSA §1372, sub-§1-B is enacted to read:

1-B. Electronic mail. "Electronic mail" means electronic mail sent or delivered by transmission over the Internet.

Sec. 3. 10 MRSA §1372, sub-§6, as enacted by PL 1989, c. 62, is amended to read:

6. Personal property. "Personal property" means movable property, not affixed to land. Personal property includes, but is not limited to, goods, wares, merchandise, motor vehicles, watercraft, all-terrain vehicles, off-road vehicles, recreational vehicles and household items and furnishings.

Sec. 4. 10 MRSA §1372, sub-§9 is enacted to read:

9. Verified mail. "Verified mail" means any method of mailing that is offered by the United States Postal Service and provides evidence of mailing.

Sec. 5. 10 MRSA §1374, sub-§1, as enacted by PL 1989, c. 62, is amended to read:

1. Lien created. The operator of a self-service storage facility has a lien on all personal property stored within each leased space for rent, labor or other charges, and for expenses reasonably incurred in its sale, as provided in this Act. The lien attaches as of the date the occupant leases the space.

Sec. 6. 10 MRSA §1375, sub-§1, as amended by PL 2009, c. 525, §3, is further amended to read:

1. Sale; use of proceeds. Except as provided in subsection 1-A, if the occupant is in default for a period of more than 45 days, the operator may enforce a lien by selling the property stored in the leased space at a public or private sale for cash. Proceeds must then be applied to satisfy the lien, with any surplus disbursed as provided in subsection 5. The sale must take place at least 15 days after the provision of notice under subsection 2.

Sec. 7. 10 MRSA §1375, sub-§§1-C and 1-D are enacted to read:

1-C. Personal property with value less than \$750. If the occupant is in default for a period of more than 45 days, the operator may remove the occupant's lock to verify that the personal property in the leased space has a value greater than or equal to \$750. If the personal property has a value greater than or equal to \$750, the operator may enforce a lien pursuant to subsection 1. If the personal property has a value less than \$750, the personal property and leased space may be considered an abandoned leased space and the personal property may be disposed of pursuant to section 1378.

1-D. Motor vehicles. If the personal property in the leased space is a motor vehicle, the operator may have the motor vehicle towed with no liability to any party.

Sec. 8. 10 MRSA §1375, sub-§2, as enacted by PL 1989, c. 62, is amended to read:

2. Notice. As soon as the occupant is in default and before conducting a sale under subsection 1, the operator shall:

A. Send a notice of default by ~~regular mail and by certified mail~~ verified mail and by either first-class mail or electronic mail to the occupant at the occupant's last known address or other address set forth by the occupant in the rental agreement ~~which that~~ includes:

(1) A statement that the contents of the occupant's leased space are subject to the operator's lien. The sale must take place at least 15 days after the provision of notice under subsection 2;

(2) A statement of the operator's claim, indicating the charges due on the date of the notice, the amount of any additional charges

~~which shall that~~ become due before the date of sale and the date those additional charges ~~shall~~ become due;

(3) A demand for payment of the charges due within a specified time, not less than 14 days after the date of the notice;

(4) A statement that unless the claim is paid within the time stated, the contents of the occupant's space will be sold, specifying the time and place; and

(5) The name, street address and telephone number of the operator, or the operator's designated agent, whom the occupant may contact to respond to the notice; ~~and.~~

~~B. Publish an advertisement of the sale once a week for 2 consecutive weeks in a newspaper of general circulation in the city or town where the sale is to be held. The advertisement must include a general description of the property as set forth in the rental agreement, the name of the person on whose account it is being held and the time and place of the sale. The sale must take place at least 15 days after the first publication.~~

Sec. 9. 10 MRSA §1375, sub-§5, ¶B, as enacted by PL 1989, c. 62, is amended to read:

B. Hold the balance, if any, for 90 days from the date of sale for delivery on demand to the occupant or any other recorded lienholders. If the balance is not claimed after 90 days, it becomes the property of the operator.

Sec. 10. 10 MRSA §1375, sub-§10, as enacted by PL 1989, c. 62, is amended to read:

10. Notices; mail. Unless otherwise specifically provided, all notices required by this Act ~~shall~~ must be sent ~~by certified or registered mail~~ as described in subsection 2, paragraph A.

A. Notices sent to the operator ~~shall~~ must be sent to the self-service storage facility where the occupant's property is stored. Notices to the occupant ~~shall~~ must be sent to the occupant at the occupant's last known address. Notices ~~shall be~~ are deemed delivered when deposited with the United States Postal Service, properly addressed as provided in subsection 2, with postage paid.

Sec. 11. 10 MRSA §1375, sub-§13 is enacted to read:

13. Value of stored property. If a rental agreement contains a limit on the value of personal property that may be stored in the occupant's leased space, the limit is deemed to be the maximum value of the stored personal property and the maximum liability of the operator for any claim.

Sec. 12. 10 MRSA §1378 is enacted to read:

§1378. Abandonment

In the case of an abandoned leased space, the operator has the right to immediately take possession of the leased space and dispose of any personal property in the leased space by any means at the operator's discretion.

See title page for effective date.

CHAPTER 377

S.P. 405 - L.D. 1308

**An Act To Strengthen
Computer Privacy**

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

Sec. 1. 17-A MRSA §435 is enacted to read:

§435. Added jurisdiction to prosecute

1. In addition to the State's having jurisdiction pursuant to section 7 to convict a person under section 432 or 433, the State has jurisdiction to convict a person under this chapter when that person is physically located outside of this State and the prohibited conduct:

A. Occurs outside of this State and the victim of the crime is a resident of this State at the time of the crime; and

B. Is sufficient under this section to constitute a crime in this State.

2. As used in this section, "resident" means a person who lives in this State either permanently or for an extended period. "Extended period" includes, but is not limited to, the period of time a student attends a school or college and the period of time a person serving in the Armed Forces of the United States is stationed in this State.

See title page for effective date.

CHAPTER 378

H.P. 1100 - L.D. 1499

**An Act Concerning Fees for
Users of County Registries of
Deeds**

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

Whereas, the registry of deeds offices provide a valuable public service in recording and maintaining the land records of the State; and

Whereas, current law allows the county commissioners to set fees for copying at only the cost of providing the copies; and

Whereas, the cost to the counties to maintain the information and to make it accessible cannot be adequately reimbursed by fees defined by copying cost; 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 §751, sub-§14, as amended by PL 2009, c. 575, §2, is repealed.

Sec. 2. 33 MRSA §751, sub-§§14-B and 14-C are enacted to read:

14-B. Abstracts and copies. Making abstracts and copies of records at the office of the register of deeds as follows:

A. Five dollars per page for paper abstracts and copies of plans;

B. One dollar per page for other paper abstracts and copies; and

C. Fifty cents per page for digital abstracts and copies, except that the fee is 5¢ per page for copies of 1,000 or more digital abstracts and copies of consecutive records.

This subsection is repealed July 31, 2012;

14-C. Abstracts and copies. Beginning August 1, 2012, making abstracts and copies from the records, a reasonable fee as determined by the county commissioners for each category of abstracts and copies, such as paper copies, attested copies, copies obtained online and bulk transfers of copies. In setting a reasonable fee for each category of abstracts and copies, the commissioners shall consider factors relating to the cost of producing and making copies available, which may include, but are not limited to: the cost of depleted supplies; records storage media costs; actual mailing and alternative delivery costs or other transmitting costs; amortized infrastructure costs; any direct equipment operating and maintenance costs; costs associated with media processing time; personnel costs, including actual costs paid to private contractors for copying services; contract and contractor costs for database maintenance and for online provision and