

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2012 to July 10, 2013

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 9, 2013

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

Augusta, Maine
2013

the register. The person renting the room or rooms, or someone under that person's direction, shall sign the register. The proprietor of the hotel or lodging house, or the proprietor's agent, shall then write the number of each room assigned to each guest, together with the date that room is rented, opposite the name or names so registered. A guest of a hotel or lodging house is not a tenant pursuant to the landlord and tenant laws as provided in Title 14.

Sec. 3. 30-A MRSA §3837, first ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The owner or manager of an inn, hotel, restaurant, lodging house, camping area or boardinghouse may request that any person on the premises of that establishment who is causing unnecessary disturbance to other persons on the premises or who is damaging or destroying property belonging to or in use by the inn, hotel, restaurant, lodging house, camping area or boardinghouse leave the premises immediately. If any person who is requested to leave the premises under this section fails or refuses to do so, the owner or manager may use a reasonable degree of force against that person to remove that person from the premises. If any person who is requested to leave the premises under this section fails or refuses to do so, the owner or manager may request a law enforcement officer to remove that person from the premises.

Sec. 4. 30-A MRSA §3838, first ¶, as amended by PL 1997, c. 59, §1, is further amended to read:

An innkeeper or campground owner may refuse or deny any accommodations, facilities or privileges of a hotel, lodging house or campground to or may eject from the hotel, lodging house or campground premises or may request a law enforcement officer to remove from the premises:

Sec. 5. 33 MRSA §589, sub-§§6 and 8, as enacted by PL 1985, c. 390, are amended to read:

6. Membership camping operator. "Membership camping operator" means any person who offers camping or outdoor recreational opportunities through the use of camping sites and who solicits membership camping contracts paid for in cash, by installment or periodic payments, including annual fees, by which the purchasers of memberships obtain the right to use camping sites or other camping or recreational facilities of the membership camping operator. "Membership camping operator" does not include mobile home parks as defined in Title ~~22~~ 10, section ~~2491~~ 9081. A membership camping operator is not a landlord pursuant to the landlord and tenant laws as provided in Title 14.

8. Purchaser. "Purchaser" means a person who enters into a membership camping contract and ob-

tains the right to use the facilities of a membership camping operator. A purchaser is not a tenant pursuant to the landlord and tenant laws as provided in Title 14.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect July 1, 2013.

Effective July 1, 2013.

CHAPTER 210 H.P. 1004 - L.D. 1408

An Act To Amend the Laws Relating to Secession by a Municipality from a County

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

Whereas, a municipality must hold a referendum on the question of whether the citizens of the municipality wish to secede from one county and join another county before the municipality may file legislation with the Legislature; and

Whereas, it is an expense for a municipality to hold a referendum; and

Whereas, if the Legislature fails to pass legislation allowing the secession of a municipality, the municipality has incurred an undue expense; and

Whereas, if a municipality is allowed to file legislation and then hold a referendum after the results of the legislation have been determined, the expense of the referendum would be warranted; and

Whereas, Legislative Document 27, An Act To Enable the Town of Livermore Falls To Withdraw from Androscoggin County and Join Franklin County, is now before the Legislature and the procedure for secession was not followed; and

Whereas, it is imperative to have this legislation take effect immediately so that Legislative Document 27 can proceed; 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. 30-A MRSA §2174-A is enacted to read:

§2174-A. Legislative approval of a vote on secession

In order to secede, a municipality must receive approval from the Legislature for the municipality to hold a vote on the proposed secession.

Sec. 2. 30-A MRSA §2175, sub-§1, as enacted by PL 2007, c. 401, §1, is amended to read:

1. Petition. Upon approval of the Legislature and receipt of a petition that seeks to have a municipality secede from one county and join another county signed by 10% of the number of voters in the municipality who voted at the last gubernatorial election, the municipal officers shall call, advertise and hold a public hearing at least 14 days and no more than 60 days after certifying the petition. The municipal officers shall publish notice of the public hearing in a newspaper of general circulation in the area. One notice must be published as close as possible to the 14th day before the hearing and a 2nd notice must be published as close as possible to the 7th day before the hearing.

A. The purpose of the public hearing under this section is to allow municipal residents and officers to discuss secession. The public hearing must include a formal presentation by those initiating the petition that must include a description of the problems that have led to the secession effort. Attendees shall discuss the problems, potential solutions other than secession and the potential impact of secession on the municipality and the county from which the municipality is seceding. The persons initiating the petition shall submit a written report at the public hearing that describes the impact of the proposed secession on property taxes in the county from which the municipality is seceding as well as in the municipality.

Sec. 3. 30-A MRSA §2176, as enacted by PL 2007, c. 401, §1, is repealed.

Sec. 4. 30-A MRSA §2177, as enacted by PL 2007, c. 401, §1, is amended to read:

§2177. County approval of secession

Upon approval of the Legislature by the voters to secede, both the county from which the municipality is seceding and the county that the municipality is joining under this subchapter shall hold a referendum vote during the next scheduled regular election. Both counties must agree by a majority vote in favor of secession. The question to be voted on must be in substantially the following form:

"Be it resolved that the voters of X (municipality) seek approval of the County of X and the County of Y to secede from the County of X and join the County of Y. Do you support X (municipality) seceding from the County of X and joining the

County of Y and the municipality continuing to pay debt service owed to the County of X?

Yes No"

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

Effective June 5, 2013.

CHAPTER 211

H.P. 1007 - L.D. 1419

An Act To Allow a Setoff of a Third-party Bailor's Property under Certain Conditions

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

Sec. 1. 15 MRSA §1074, as amended by PL 2003, c. 673, Pt. P, §1, is further amended to read:

§1074. Property of defendant and 3rd parties as bail

1. Cash. Whenever cash is deposited as bail to secure the appearance of and conformance to conditions of release by a defendant in a criminal proceeding, either preconviction or post-conviction, the cash is deemed to be the property of the defendant unless, at the time the cash is deposited, the defendant or the person offering the cash as bail designates under oath another person to whom the cash belongs. If a person other than the defendant has been designated as the owner of the cash, it must be returned to that person unless otherwise forfeited or subject to setoff under subsection 3-A. If the defendant is deemed to be the owner of the cash, it must be returned to the defendant unless otherwise forfeited or subject to setoff as provided in this section.

1-A. Miscellaneous costs. The Chief Justice of the Supreme Judicial Court is authorized to use General Fund appropriations to cover miscellaneous costs associated with the operation of the account of deposited cash bail.

2. Real estate. When a defendant in a criminal proceeding is the owner of real estate and offers that real estate as security for appearance before any court, the defendant must file a bail lien and otherwise comply with the requirements of section 1071 as if the defendant were a surety. A discharge of the bail lien is governed by section 1071, unless the bail has been forfeited or is subject to setoff in accordance with this section.

3. Setoff of defendant's property. When a defendant has deposited cash or other property owned by the defendant as bail or has offered real estate owned by the defendant and subject to a bail lien as bail and