

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**June 19, 2018 to September 13, 2018**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**DECEMBER 13, 2018**

**ONE HUNDRED AND TWENTY-NINTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2018 to June 20, 2019**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 2019**

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

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**Augusta, Maine**  
**2019**

Class D crime for which a fine of not less than \$1,500 may be imposed, none of which may be suspended; or

B. Allow a minor under that person's control or in a place under that person's control to possess or consume a tobacco product. The following penalties apply to violations of this paragraph.

(1) A person who violates this paragraph commits a Class D crime.

(2) A person who violates this paragraph commits a Class D crime for which a fine of not less than \$1,000 may be imposed, none of which may be suspended, if the violation involves a minor who is less than 18 years of age.

(3) A person who violates this paragraph after having been previously convicted of violating this paragraph or paragraph A within a 6-year period commits a Class D crime for which a fine of not less than \$2,000 may be imposed, none of which may be suspended.

3. Exceptions. This section does not apply to a licensee under chapter 262-A or an agent of that licensee in the scope of employment.

See title page for effective date.

## CHAPTER 496

### H.P. 1085 - L.D. 1483

#### An Act To Clarify the Disposition of Funds Presumed Abandoned in a Lawyer's Trust Account

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

**Sec. 1. 33 MRSA §1952, sub-§§7-A and 7-B** are enacted to read:

**7-A. Lawyer's trust account.** "Lawyer's trust account" means a pooled trust account managed pursuant to rules adopted by the Supreme Judicial Court that earns interest or dividends at an eligible institution in which a lawyer or law firm holds funds on behalf of a client or clients. These funds are small in amount or held for a short period of time, such that the funds cannot earn interest or dividends for the client in excess of the costs incurred to secure such interest or dividends. For the purpose of this subsection, "eligible institution" means a financial organization meeting the requirements in rules adopted by the Supreme Judicial Court.

**7-B. Lawyer's trust account program manager.** "Lawyer's trust account program manager" means

an entity designated by the Supreme Judicial Court to manage the lawyer's trust account program adopted by the Supreme Judicial Court.

**Sec. 2. 33 MRSA §1952, sub-§13, ¶¶F and G,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, are amended to read:

F. An amount due and payable under the terms of an annuity or insurance policy, including policies providing life insurance, property and casualty insurance, workers' compensation insurance or health and disability insurance; ~~and~~

G. An amount distributable from a trust or custodial fund established under a plan to provide health, welfare, pension, vacation, severance, retirement, death, stock purchase, profit sharing, employee savings, supplemental unemployment insurance or similar benefits; ~~and~~

**Sec. 3. 33 MRSA §1952, sub-§13, ¶H** is enacted to read:

H. Funds in a lawyer's trust account.

**Sec. 4. 33 MRSA §1953, sub-§1, ¶O,** as amended by PL 2003, c. 20, Pt. T, §22, is further amended to read:

O. All other property, including funds in a lawyer's trust account, 3 years after the owner's right to demand the property or after the obligation to pay or distribute the property arises, whichever first occurs;

**Sec. 5. 33 MRSA §1959, sub-§5** is enacted to read:

**5. Payment of certain funds presumed abandoned in lawyer's trust accounts.** Notwithstanding any other provision in this chapter to the contrary, a lawyer, law firm or financial institution holding funds presumed abandoned in a lawyer's trust account for which no identifying client information can be found shall file a report with the administrator pursuant to section 1958, subsection 1 and then transfer such funds, along with a copy of the report, to the lawyer's trust account program manager to provide funding to organizations whose primary purpose is to provide civil legal aid to low-income residents of the State.

**Sec. 6. 33 MRSA §1979,** as enacted by PL 1997, c. 508, Pt. A, §2 and affected by §3, is amended to read:

#### §1979. Rules

The administrator may adopt rules pursuant to the Maine Administrative Procedure Act necessary to carry out this Act. Rules adopted ~~under~~ pursuant to this section are routine technical rules ~~under~~ as defined in Title 5, chapter 375, subchapter H-A 2-A. In addition, the Supreme Judicial Court may adopt rules for the

provisions of this Act relating to lawyer's trust accounts.

Sec. 7. Transfer of funds. The Treasurer of State shall transfer to the lawyer's trust account program manager as defined in the Maine Revised Statutes, Title 33, section 1952, subsection 7-B an amount equal to funds held on the effective date of this Act in the Unclaimed Property Fund of this State attributable to funds presumed abandoned in a lawyer's trust account for which no identifying client information can be found that were delivered to the Treasurer of State before the effective date of this Act.

See title page for effective date.

CHAPTER 497

H.P. 1109 - L.D. 1516

An Act To Improve Efficiency in Communication in the Court System

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

Sec. 1. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior and District 0063

Initiative: Provides funding for one part-time Project Manager Associate position to oversee the acquisition, implementation, accuracy and maintenance of an electronic court notification system.

Table with 3 columns: GENERAL FUND, 2019-20, 2020-21. Rows include POSITIONS - LEGISLATIVE COUNT and Personal Services.

Courts - Supreme, Superior and District 0063

Initiative: Provides funding to contract for an electronic court notification system. This includes one-time funding for a licensing fee and extra capacity for server storage and processing, as well as ongoing funding for maintenance and text message support.

Table with 3 columns: GENERAL FUND, 2019-20, 2020-21. Row includes All Other.

JUDICIAL DEPARTMENT

Table with 3 columns: DEPARTMENT TOTALS, 2019-20, 2020-21. Rows include GENERAL FUND and DEPARTMENT TOTAL - ALL FUNDS.

See title page for effective date.

CHAPTER 498

S.P. 481 - L.D. 1544

An Act To Enact the Maine Revised Unclaimed Property Act

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

Sec. 1. 4 MRSA §8-A, sub-§2, as amended by PL 2003, c. 20, Pt. T, §2, is further amended to read:

2. Unclaimed property. To provide, after reasonable notice to interested parties or their attorneys, for the transfer to the Treasurer of State for disposition as unclaimed property in the manner provided by Title 33, sections 1958 and 1959 chapter 45 of property in the possession or custody of the courts of this State as a result of civil or criminal litigation.

Sec. 2. 8 MRSA §1032, as amended by IB 2009, c. 2, §40, is further amended to read:

§1032. Payment of credits by slot machine or casino operator

A slot machine operator or casino operator shall redeem credits for players who earn credits on a slot machine or table game located on the premises of that slot machine facility or casino in accordance with rules adopted by the board. A slot machine operator or casino operator may not redeem a credit slip more than 365 days from the date of issuance. The funds reserved for the payment of such a credit slip or expired unclaimed jackpot must be retained by the slot machine operator or casino operator and treated as gross slot machine income or gross table game income and do not constitute property subject to the requirements of Title 33, chapter 41 45.

Sec. 3. 9-B MRSA §161, sub-§2, ¶K, as amended by PL 2001, c. 262, Pt. B, §3, is further amended to read:

K. The examination or furnishing of any financial records by a financial institution authorized to do business in this State or credit union authorized to do business in this State to any officer, employee or agent of the Treasurer of State for use solely in