

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 THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

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. 5 MRSA §20-A, sub-§4 is enacted to read:

4. TikTok ban. A computer or other electronic device owned or controlled by any branch of State Government may not be used to access, contain or download the video hosting service known as TikTok, except as necessary for life, health, safety or investigative purposes in accordance with a policy adopted by a state agency. For purposes of this section, "electronic device" has the same meaning as in Title 16, section 647, subsection 3.

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

Effective July 6, 2023.

CHAPTER 386

H.P. 221 - L.D. 347

An Act Regarding In-court Appearance Requirements for Persons Authorized to Serve Eviction Notices

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

Sec. 1. 14 MRSA §6001, sub-§7 is enacted to read:

7. Service of notice. If a notice served pursuant to this section, section 6002, section 6025 or Title 10, section 9097 is served by a person authorized to make service under section 702 or 703, that notice is admissible in evidence for the purpose of proving service occurred and the person who provided service may attend the court hearing remotely if that person is required to testify to the service of the notice.

See title page for effective date.

CHAPTER 387

S.P. 215 - L.D. 461

An Act Regarding Private Ways and Private Roads

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

Sec. 1. 23 MRSA §3101, sub-§1, ¶B, as amended by PL 2013, c. 198, §1, is further amended to read:

B. "Repairs and maintenance" does not include paving, except in locations where pavement does not exist if approved by an affirmative vote of at least 3/4 of the owners of all the parcels benefited by the private road, private way or bridge at a meeting called in accordance with subsection 2 or in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or to repair and maintain pavement existing as of July 1, 2007 for at least 8 years. "Maintenance" includes, but is not limited to, snowplowing, snow removal, sanding and ice control; grading and adding gravel and surface material; installing reclaimed asphalt or grinding existing pavement for reuse; installing, cleaning and replacing culverts; creating and maintaining ditches, drains and other storm water management infrastructure; creating and maintaining sight distances on curves and at intersections; and cutting brush, trees and vegetation in the right-of-way.

Sec. 2. 23 MRSA §3103, as amended by PL 2013, c. 198, §9, is repealed and the following enacted in its place:

§3103. Contracts for repair; reserve accounts

The owners, at a meeting held under section 3101, may by a majority vote of the owners present and voting in person or by written proxy or absentee ballot authorize:

1. Contract for repair. A contract for repairs or maintenance to the private road, private way or bridge by the year or for a lesser time and may raise money for that purpose pursuant to section 3101, subsection 5; and

2. Reserve account. A reserve account to be established to hold funds solely to be used for repairs and maintenance.

Sec. 3. 23 MRSA §3104, as amended by PL 2017, c. 306, §1, is further amended to read:

§3104. Penalties and process

Money recovered under sections 3102 and 3103 is for the use of the owners. In any notice of claim or process for the money's recovery, a description of the owners as owners of parcels of land benefited by the private road, private way or bridge by name, clearly describing each owner's parcel of land by the book and page number of the owner's deed as recorded in the county's registry of deeds and the private road, private way or bridge, is sufficient. If the private road, private way or bridge is shown on a plan recorded in the county's registry of deeds, the plan's recording reference is sufficient. Such process is not abated by the death of any owner or by the transfer of any owner's interest. Any money owed pursuant to section 3101, 3102 or 3103 is

an obligation that is personal to the owners of the subject parcels, jointly or severally, and also burdens the parcel and runs with the land upon the transfer of any owner's interest. After June 30, 2018, any money owed pursuant to section 3101, 3102 or 3103 is not an obligation that burdens the parcel or runs with the land upon the transfer of any owner's interest unless a notice of claim is recorded in the county's registry of deeds prior to the transfer. A notice of claim filed in the registry of deeds expires ~~18 months~~ 6 years from the date of recording unless extended prior to the expiration by recording of a notice of extension of the notice of claim. A recorded notice of claim may be extended for additional ~~18 month~~ 6-year periods until the claim is paid. The commissioner or board may cause to be recorded in the county's registry of deeds a notice of claim for money owed pursuant to section 3101, 3102 or 3103 that is more than 90 days delinquent and may add to the amount owed the recording costs for filing the notice of claim. The recording of such notice does not constitute slander of title. Before recording such notice or service of process of a complaint for collection in a civil action, the commissioner or board shall give the owner against whom such action is to be taken written notice, in the same manner as written notices of meetings are provided for in section 3101, of the intended action if the debt is not paid within 20 days of the date of the written notice. This written notice to cure must be sent at least 30 days before the recording of the notice of claim or the service of process of the complaint for collection in a civil action.

Sec. 4. Report. The Maine Abandoned and Discontinued Roads Commission, established in the Maine Revised Statutes, Title 23, section 3036, shall review the use of the following terms in the Maine Revised Statutes: "private way"; "public way"; "private road"; and "public easement." The commission shall determine whether changes to current law would improve understanding and use of these terms throughout the Maine Revised Statutes. By January 5, 2024, the commission shall submit a report to the Joint Standing Committee on State and Local Government with the results of this study along with recommended legislation. The committee may report out legislation relating to the report to the Second Regular Session of the 131st Legislature. Notwithstanding Title 23, section 3036, subsection 5, the commission may meet more than 6 times in 2023 to complete the work described in this section.

See title page for effective date.

CHAPTER 388
H.P. 470 - L.D. 701

**An Act to Increase the Notice
Period for Rent Increases of 10
Percent or More**

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

Sec. 1. 14 MRSA §6015, as amended by PL 2003, c. 259, §1, is repealed and the following enacted in its place:

§6015. Notice of rent increase

1. Increase of rent generally. Except as provided in subsection 2, rent charged for residential estates may be increased by the landlord only after providing at least 45 days' written notice to the tenant. A written or oral waiver of this requirement is against public policy and is void. Any person in violation of this section is liable for the return of any sums unlawfully obtained from the tenant, with interest, and reasonable attorney's fees and costs.

2. Increase of 10% or more. If rent charged for a residential estate is increased by the landlord by 10% or more, the landlord must provide at least 75 days' written notice to the tenant. If the landlord increases rent more than once in a 12-month period, and the increases add up to a total increase of 10% or more, the landlord must provide at least 75 days' written notice prior to any increase that brings the total increase in rent to 10% or more. A written or oral waiver of this requirement is against public policy and is void. Any person in violation of this subsection is liable for the return, with interest, of any sums unlawfully obtained from the tenant and reasonable attorney's fees and costs.

This subsection does not apply to rental housing that is subject to:

A. Requirements established by a document or deed recorded by a register of deeds that are designed to keep the housing affordable for tenants with specific income levels;

B. Restrictions as a condition of the landlord's receipt of subsidies from or participation in a municipal, state or federal housing program; or

C. Restrictions as a condition of the tenant's receipt of subsidies from or participation in a municipal, state or federal housing program.

See title page for effective date.
