

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2274

H. P. 1794

House of Representatives, January 2, 1974

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Emery of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify Certain Municipal Laws.

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

Sec. 1. R. S., T. 12, § 4814, amended. Section 4814 of Title 12 of the Revised Statutes, as enacted by chapter 535 of the public laws of 1971, and as repealed and replaced by section 6 of chapter 564 of the public laws of 1973, is amended by adding at the end the following new sentence:

The Attorney General shall be made a party to all civil and criminal actions in which the pleadings challenge the legality of any ordinance or portion thereof adopted pursuant to the guidelines promulgated under section 4813.

Sec. 1-A. R. S., T. 22, § 2706, sub-§ 4, amended. Subsection 4 of section 2706 of Title 22 of the Revised Statutes, as amended by chapter 127 of the public laws of 1973, is further amended to read as follows:

4. **Unlawful disclosure of data.** It shall be unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records, except as authorized in this section and except that a clerk of a municipality shall may cause to be printed in the annual town report the deaths reported within the year covered by the said report, by date of death, name, age and location by city or town where death occurred. All other details of death shall not be available to the general public.

Sec. 1-B. R. S., T. 22, § 4499, amended. The last sentence of section 4499 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 470 of the public laws of 1973, is amended to read as follows:

For the purposes of this section, the municipal officers shall submit to the Department of Health and Welfare a monthly return ~~under oath~~ on forms provided by the department stating the amount of net costs for furnishing general relief beginning at the end of the month in which the municipality's general relief expenditures exceed the ceiling formula stated in this section.

Sec. 1-C. R. S., T. 22, § 4502, amended. The first sentence of section 4502 of Title 22 of the Revised Statutes, as enacted by section 122 of chapter 625 of the public laws of 1973, is amended to read as follows:

In any instance when it is proposed to terminate, suspend or reduce relief being provided, when it is evident that termination, suspension or reduction of relief is necessary, the recipient shall be given timely and advanced notice detailing the reasons for the proposed action and informing the recipient of his right to request an evidentiary hearing ~~to be held~~ within 2 working days within receipt of the notice by the recipient, **which evidentiary hearing shall be held within 30 working days of receipt of said request.**

Sec. 2. R. S., T. 30, § 2062, sub-§ 1, amended. Subsection 1 of section 2062 of Title 30 of the Revised Statutes is amended to read as follows:

1. **Procedure.** The absentee voting procedure outlined in Title 21 shall be used ~~except the duties of the Secretary of State shall be performed by the clerk~~ with the following exceptions.

A. The duties of the Secretary of State shall be performed by the clerk.

B. The absentee ballots shall not have printed on them any municipal referendum questions.

Sec. 3. R. S., T. 30, § 2156, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 2156 of Title 30 of the Revised Statutes, as enacted by chapter 337 of the public laws of 1969 and as amended by section 13 of chapter 536 of the public laws of 1973, is further amended to read as follows:

A. "Code" means any published compilation of rules or **inforceable standards** which has been prepared by the American Insurance Association, the Building Officials and Code Administrators International, the International Conference of Building Officials, the National Fire Protection Association ~~or~~, the Southern Building Code Congress or any department or agency of the Federal Government or the State of Maine, and shall include specifically, but shall not be limited to: Building codes, plumbing codes, electrical wiring codes, health or sanitation codes, fire prevention codes, inflammable liquids codes, together with any other code which embraces rules pertinent to a subject which is a proper municipal legislative matter.

Sec. 4. R. S., T. 30, § 4052, amended. The first paragraph of section 4052 of Title 30 of the Revised Statutes is amended to read as follows:

Each municipality ~~shall~~ may each year set aside 5% of the money raised and appropriated for ways and bridges, to be used in cutting and removing all trees, shrubs and useless fruit trees, bushes and weeds, except shade trees, timber trees, cared-for fruit trees and ornamental shrubs growing between the

road limit and the wrought part of any highway or town way, until all the trees, shrubs and worthless fruit trees, bushes and weeds have been once removed from the limits of such highway or town way, after which the owner of the land adjoining such highway or town way shall each year, before the first day of October, remove all bushes, weeds, worthless trees and grass from the roadside adjoining his cultivated or mowing fields. The municipality shall care for all land not included in the above, except wild land.

Sec. 5. R. S., T. 30, § 5151, repealed and replaced. Section 5151 of Title 30 of the Revised Statutes, as repealed and replaced by section 3 of chapter 369 and section 2 of chapter 543, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 5151. Revenue anticipation notes; fiscal year

A municipality by vote of its municipal officers may in any municipal year borrow money temporarily and issue notes in anticipation of taxes, and state and federal revenue-sharing money.

1. Amount. The amount borrowed in anticipation of taxes shall not exceed the total tax levy of the preceding municipal year. The amount borrowed in anticipation of state or federal revenue sharing shall not exceed the amount of revenue-sharing entitlements projected by the paying units of government for the current period of entitlement.

2. When paid. The notes shall be paid in the municipal year in which they were made. The notes issued in anticipation of taxes shall be paid out of money raised by taxation. The notes issued in anticipation of revenue-sharing money shall be paid out of money received as a result of revenue sharing.

3. Municipal year defined. The municipal fiscal year shall be as determined by the municipal officers.

Sec. 6. R. S., T. 30, § 5618, amended. The first sentence of section 5618 of Title 30 of the Revised Statutes is amended to read as follows:

If such valuation is not made and returned by any town or plantation, which is not within a primary assessing district or is not itself a primary assessing district, within the time specified, the county commissioners shall appoint 3 suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required within the time fixed by said commissioners.

STATEMENT OF FACT

The purpose of this bill is reflected in the title.