

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

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consideration is to promote the use of indigenous energy resources to the extent that overall electric costs can be reduced.

Sec. 2. 35 MRSA § 93, sub-§ 2, as enacted by PL 1977, c. 521, is amended to read:

2. **Marginal costs of service.** Rates which reflect marginal costs of services at different voltages, times of day or seasons of the year **and including long run marginal costs associated with the construction of new electric generating facilities;**

Sec. 3. 35 MRSA § 93, sub-§ 3, as enacted by PL 1977, c. 521, is amended to read:

3. **Policies.** Policies which encourage economic use of fuel **and which encourage the maximum efficient utilization of natural energy resources indigenous to the State;** and

Sec. 4. 35 MRSA § 94, as enacted by PL 1977, c. 521, is amended by adding at the end 2 new paragraphs to read:

On its own initiative or during a rate proceeding, and to the extent that is feasible, the commission shall consider and adopt the federal rate-making standards established in the United States Public Utility Regulatory Policies Act of 1978, Public Law 95-617, Section 111 (d).

If, and to the extent that, the commission should decide not to adopt any of the federal standards referred to in this section, it shall set forth fully and adequately the facts and the rationale supporting the rejection of the standards.

Effective September 14, 1979

CHAPTER 400

H. P. 960 — L. D. 1185

AN ACT to Exempt Farmland from Sewer Assessments When the Land Receives no Benefit from this Construction.

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

30 MRSA § 4451 is repealed and the following enacted in its place:

§ 4451. **Expense of construction**

1. Estimate and assessment of costs; notice. When any town or sewer district has constructed and completed a public drain or common sewer, the municipal officers or sewer district trustees shall determine what lots or parcels of land are benefited by the drain or sewer, and shall estimate and assess upon the lots and parcels of land and against the owner thereof or person in possession, or against whom the taxes thereon are assessed, whether the person to whom the assessment is so made shall be the owner, tenant, lessee or agent and whether the same is occupied or not, the sum not exceeding the benefit they may deem just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with any sewage disposal units and appurtenances that may be necessary, and in operation after May 31, 1979, the whole of the assessments not to exceed $\frac{1}{2}$ the cost of the drain or sewer and sewage disposal units, and the drain or sewer shall forever thereafter be maintained and kept in repair by the town. The municipal officers or sewer district trustees shall file with the clerk of the town the location of the drain or sewer and sewage disposal unit, with a profile description of the same, and a statement of the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of the lots or parcels of land or person against whom the assessment is made, and the clerk of the town and the sewer district trustees shall record the assessment in a book kept for that purpose, and within 10 days after filing notice each person so assessed shall be notified of the assessment by having an authentic copy of the assessment, with an order of notice signed by the clerk of the town or the chairman of the sewer district trustees stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at his usual place of abode in the town. If he has no place of abode in the town, then the notice shall be given or left at the abode of his tenant or lessee, if he has one in the town; if he has no tenant or lessee in the town, then by posting the notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before the hearing; or the notice may be given by publishing it 3 weeks successively in any newspaper published in the town, the first publication to be at least 30 days before the hearing. A return made upon a copy of the notice by any constable in the town or the production of the paper containing the notice shall be conclusive evidence that the notice was given, and upon the hearing the municipal officers or sewer district trustees shall have power to revise, increase or diminish any of the assessments, and any revisions, increase or diminution shall be in writing and recorded by the clerk and the sewer district trustees.

A. For the purposes of this section only, sewer district means a quasi-municipal corporation, as defined in section 5053, established to construct and operate sewerage systems to assist in the abatement of the pollution of public streams, lakes and inland and ocean waters.

2. Exception from assessment, farmland. Farmland, as defined by Title 36, section 1102, subsection 4, is exempt from the assessment provided in subsection 1 when no benefits are derived from the common sewer or drain. The owner of the farmland shall notify the municipal officers or sewer district trustees that his property may qualify for this exception. The municipal officers or sewer district

trustees shall revise the assessments against qualified farmland to exempt it from assessment. Any revision of assessment provided by this subsection shall be in writing and recorded by the clerk or sewer district trustees.

When the use of the land is changed from farmland, the owner shall within 60 days notify the municipal officers or sewer district trustees in writing of the change. The municipal officers or sewer district trustees shall assess this land in an amount equal to the assessment which would have been due but for the provisions of this subsection. The municipality or sewer district trustees shall notify the owner of the assessment due which the owner shall pay within 60 days of notice or as provided by the municipal officers under their authority in section 4453.

Effective September 14, 1979

CHAPTER 401

S. P. 389 — L. D. 1200

AN ACT Relating to the Listing of Contracts Made by Real Estate Brokers and Salesmen.

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

32 MRSA § 4004, first sentence, as last amended by PL 1969, c. 312, § 1-A, is further amended to read:

All exclusive right-to-sell contracts and, exclusive agency contracts and any nonexclusive contract for a residence with 3 or fewer living units made by a real estate broker or salesman to list real estate for sale shall be in writing and shall contain a specific expiration date.

Effective September 14, 1979

CHAPTER 402

S. P. 243 — L. D. 692

AN ACT to Amend the Maine Consumer Credit Code.

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