

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

PUBLISHED BY THE REVISOR OF STATUTES
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Twin City Printery
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1987

PUBLIC LAWS

OF THE

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an employee in the classified service for cause. This right is subject to the right of appeal and arbitration of grievances set forth in the applicable labor contract, in sections 7081 to 7084 or by civil service rule; and sections 7081 to 7084 shall apply to any employee who has satisfactorily completed an initial probationary period. This subsection does not apply to unclassified employees listed in section 931, nor does this subsection in any way limit the collective bargaining rights of classified and unclassified employees. This subsection does not apply to an employee appointed to a major policy-influencing position listed in sections 932 to 953.

Notwithstanding any other provision of law, the head of any institution under the control of the Department of Mental Health and Mental Retardation as the appointing authority may suspend with pay any employee who is charged by indictment with the commission of a criminal offense involving acts alleged to have been perpetrated upon any resident or residents of any such institution. Any suspension with pay may be authorized by the appointing authority only when to permit the employee to remain on duty at the institution would be against the best interest of any one or more of the residents of the institution, and authorization for suspension with pay shall apply only during the pendency of the criminal proceedings in the trial court, but not longer than 30 working days. Sections 7081 to 7084 shall not apply to suspension with pay ordered by the appointing authority under this paragraph.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 20, 1987.

CHAPTER 10

H.P. 26 — L.D. 23

AN ACT to Extend Immunity from Civil Liability for the Unlawful Cutting of Trees to Municipal Employees Acting within the Course and Scope of their Employment.

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

17 MRSA §2510, sub-§1, ¶C, as enacted by PL 1981, c. 355, is amended to read:

C. ~~Licensed arborists in removing street trees or property line trees under contract with a municipality or private individual; or in removing blowdown trees in emergencies~~ municipal employees acting within the course and scope of their employment, in removing street trees or property line trees under ordinary circumstances or blown down trees in emergencies; and

Effective September 29, 1987.

CHAPTER 11

H.P. 65 — L.D. 68

AN ACT Relating to the Maine Veterans' Homes.

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

Sec. 1. 14 MRSA §8102, sub-§4, as amended by PL 1985, c. 695, §9, is further amended to read:

4. State. "State" means the State of Maine or any office, department, agency, authority, commission, board, institution, hospital or other instrumentality thereof, including the Maine Turnpike Authority, the Maine Port Authority, the Maine Vocational-Technical Institute System, the Maine Veterans' Homes and all such other state entities.

Sec. 2. 37-B MRSA §604, sub-§8 is enacted to read:

8. Assistance. Every department and agency of the State, when requested, may furnish such assistance, counsel or advice as the board may require in the discharge of its duties.

Effective September 29, 1987.

CHAPTER 12

S.P. 74 — L.D. 157

AN ACT Concerning Enhancement of Theft Penalties Based on Prior Convictions.

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

17-A MRSA §362, sub-§3-A, as enacted by PL 1985, c. 239, §2, is amended to read:

3-A. Theft, or any attempt at theft, is a Class C crime if the actor has 2 prior Maine convictions for any combination of theft, any violation of section 702, 703 or 708 or any violation of section 401 in which the crime intended to be committed inside the structure is theft, any violation of section 651 or attempts thereat. For purposes of this subsection, the dates of both of the prior convictions must precede the commission of the offense being enhanced by no more than 10 years, although both prior convictions may have occurred on the same day. This subsection does not apply if the commission of the 2 prior offenses occurred within a 3-day period. The date of a conviction shall be deemed the date that sentence is imposed, even though an appeal was taken. The date of a commission of prior offenses shall be presumed to be that stated in the complaint, information or indictment, notwithstanding the use of the words "on or about" or the equivalent.

Effective September 29, 1987.

CHAPTER 13

H.P. 199 — L.D. 251

AN ACT Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles.

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

36 MRSA §1483, sub-§6, as amended by PL 1965, c. 513, §75, is repealed and the following enacted to read:

6. Persons subject to other excise taxes. Vehicles owned or leased by persons providing telecommunications service subject to the excise tax imposed in chapter 364 and vehicles owned by railroad companies subject to the excise tax imposed in chapter 361.

Effective September 29, 1987.

CHAPTER 14

H.P. 45 — L.D. 48

AN ACT to Repeal the Requirement that Unemployment Tax Liens and Warrants be Filed in the Offices of Municipal Clerks.

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

Sec. 1. 26 MRSA §1227, sub-§1, as amended by PL 1983, C. 351, §31, is further amended to read:

1. Form and effect. Upon the failure of an employer to pay the amount assessed pursuant to section 1225, the commissioner may file in the registry of deeds of any county ~~or with any town or city clerk~~ a certificate under his official seal, stating the name of the employer; his address; the amount of the contributions and interest or penalties assessed and in default; and that the time in which an appeal is permitted pursuant to section 1226 has expired without the appeal having been taken or that delay will jeopardize collection. When the certificate is duly filed and recorded, the amount of the assessment shall be a lien upon the entire interest of the employer, legal or equitable, in any real or tangible personal property situated within the jurisdiction of the office in which that certificate was filed. A lien obtained in this manner is a lien for taxes and the priority of the lien shall be governed by the laws of this State. The liens shall be subordinate to any real estate mortgage previously recorded as required by law. No lien for contributions or interest shall be valid against one who purchases personal property from the employer in the usual course of his business, in good faith and without actual notice of

the lien. The lien may be enforced against any real or personal property by a civil action in the name of the commissioner. The commissioner shall discharge any such lien upon receiving, from any such employer against whose property a lien certificate has been filed, a good and sufficient bond with sureties conditioned upon the payment of the amount of contributions and interest as finally determined, together with any additional amount which may have become due or may have accrued under this chapter and costs of court, if any.

The foregoing remedies shall be in addition to all other remedies.

Sec. 2. 26 MRSA §1227, sub-§2, as amended by PL 1983, c. 351, §32, is further amended to read:

2. Filing lien. Certificates of liens for contributions or interest, or certificates discharging the liens prepared in accordance with this section, shall be received, recorded and indexed by registrars of deeds ~~or town or city clerks~~ in the same manner as similar instruments are recorded and indexed. The fee to be paid by the commissioner for recording each such certificate is \$5, which need not be prepaid.

Sec. 3. 26 MRSA §1230, sub-§3, as enacted by PL 1975, c. 462, §9, is amended to read:

3. Warrant effective as lien. An abstract or copy of the warrant may be filed for record in the register of deeds of any county ~~or with any town or city clerk~~. From the time of ~~said~~ the filing, the amount specified in the warrant shall constitute a lien upon all real property and other tangible assets in the county or town owned by the liable employer or acquired by him during the period of the lien. The lien shall have the force, effect and priority of a judgment lien and shall continue for 5 years from the date of recording, unless sooner released or otherwise discharged or extended as prescribed herein. The lien may be extended for an additional 5-year period by filing, for record in the registry of deeds ~~or with the town or city clerk~~, an abstract or copy of the warrant within the original 5-year period or within 5 years from the date of the last extension of the lien.

Effective September 29, 1987.

CHAPTER 15

H.P. 46 — L.D. 49

AN ACT to Validate Certain Abstracts of Divorce Decrees.

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

Whereas, some title attorneys will continue to question the ability of abstracts of divorce decrees to oper-