

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

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Twin City Printery
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1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

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36 MRSA §1483, sub-§6, as amended by PL 1965, c. 513, §75, is repealed and the following enacted to read: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

ate as deeds until the law pertaining to these abstracts is clarified; and

Whereas, these objections to the title to certain property cause uncertainty, inconvenience, expense and delay in certain real estate transactions; and

Whereas, these problems can be alleviated by an immediate amendment of the law pertaining to abstracts of divorce decrees; and

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. 19 MRSA §725, sub-§2, as enacted by PL 1983, c. 748, §1, is amended to read:

2. Decree or abstract as deed. Any rights acquired under sections 721 and 723 on or before December 31, 1971 and all rights under section 722-A by a party in the real estate of a party are effectual against any person when the decree of divorce, or an abstract thereof, setting forth the names ~~and residence~~ of the parties, the date of the decree and the court where granted, is filed in the registry of deeds for the county or registry district where the real estate is situated. The failure of a party to record the decree or an abstract within any time period formerly prescribed by this section shall not affect the rights of that party as against the other party, his heirs and devisees. The recording of such a decree or abstract, in the manner provided in this section, shall have the force and effect of a quitclaim deed releasing all interest in the real estate described in the decree or abstract, whether the interest is in fee or by statute.

Sec. 2. 33 MRSA §353-A, as amended by PL 1981, c. 698, §165, is further amended by adding at the end a new paragraph to read:

All abstracts of divorce decrees recorded in any registry of deeds prior to the effective date of this paragraph and otherwise valid, which failed to state the residence of any party to the divorce action are validated and shall have the force and effect of a quitclaim deed releasing all interest in the real estate described in the decree or abstract.

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

Effective March 24, 1987.

CHAPTER 16

H.P. 62 — L.D. 65

AN ACT Relating to the Confidentiality of the Office of Employment Rehabilitation and Abuse Investigation Unit Files of the Workers' Compensation Commission.

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

Whereas, records of the Department of Human Services, Unit of Rehabilitation Services, are confidential; and

Whereas, investigative information records, correspondence and reports of investigation in connection with violations of law are generally considered confidential and not subject to public release or inspection; and

Whereas, public access to rehabilitation and investigative information and records may interfere with the ability of the commission to operate efficiently and effectively, may result in public dissemination of information in which there is no legitimate public interest or may expose injured workers to undesired solicitation or harassment; and

Whereas, the legislation creating the Office of Employment Rehabilitation and the Unit of Abuse Investigation in the Workers' Compensation Act was passed on an emergency basis at the First Regular Session of the 112th Legislature; and

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. 39 MRSA §82, sub-§4 is enacted to read:

4. Access to records. Except for purposes directly connected with the administration of the Office of Employment Rehabilitation, no person may solicit, disclose, receive or make use of, or authorize, knowingly permit, participate in or acquiesce in the use of any list of, or names of, or any information concerning individuals applying for or receiving rehabilitation, directly or indirectly derived from the records, papers, files or communications of the Office of Employment Rehabilitation or acquired in the course of the performance of official duties.

This subsection does not prevent any employee or his employer from obtaining or viewing information relating to the rehabilitation of that employee under this subchapter.

Sec. 2. 39 MRSA §92, sub-§9, ¶B, as enacted by PL 1985, c. 372, Pt. A, §31, is amended to read: