

# 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  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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

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**CHAPTER 23**

H.P. 51 — L.D. 54

**AN ACT to Clarify a Sewer District's  
Responsibility for the Maintenance and  
Repair of Public Drains or Common  
Sewers.**

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

30 MRSA §4451, sub-§1, as enacted by PL 1979, c. 400, is amended to read:

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 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 or sewer district. 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 persons 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 produc-

tion 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.

Effective September 29, 1987.

**CHAPTER 24**

H.P. 246 — L.D. 316

**AN ACT to Extend the Sunset Date for Certain  
Statutes Regarding Harbor Masters.**

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

Whereas, certain changes in the laws governing the authority of harbor masters are to be repealed on April 1, 1987, pursuant to Public Law 1985, chapter 692, section 4; and

Whereas, unless this legislation is enacted as emergency legislation it will not take effect before the repeal takes effect thus causing great confusion and difficulty in enforcement of those laws; 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:

PL 1985, c. 692, §4 is amended to read:

**Sec. 4. Repeal.** All sections of this Act shall be repealed on ~~April 1, 1987~~ April 1, 1988.

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

Effective March 27, 1987.

**CHAPTER 25**

H.P. 541 — L.D. 725

**AN ACT to Reconcile State Law with Federal  
Law Regulating the Continuation of  
Group Health Insurance Coverage.**

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

Sec. 1. 24 MRSA §2330, sub-§11, ¶¶D and I, as enacted by PL 1985, c. 684, §1, are amended to read:

D. The payment amount for continued group coverage under this subsection may not exceed 102% of the group rate in effect for a group member, including an employer's contribution, if any.

I. This subsection shall not be construed to:

(1) Prevent members or employees from negotiating for or receiving greater continued coverage of group insurance than is provided in this subsection; or

(2) Require coverage beyond the time limits set in paragraph E F.

Sec. 2. 24 MRSA §2330, sub-§11, ¶J is enacted to read:

J. This subsection does not apply to any group policy subject to the United States Consolidated Omnibus Budget Reconciliation Act, Public Law 99-272, Title X, Private Health Insurance Coverage, Sections 10001 to 10003.

Sec. 3. 24-A MRSA §2809-A, sub-§11, ¶¶D and I, as enacted by PL 1985, c. 684, §2, are amended to read:

D. The payment amount for continued group coverage under this subsection may not exceed 102% of the group rate in effect for a group member, including an employer's contribution, if any.

I. This subsection shall not be construed to:

(1) Prevent members or employees from negotiating for or receiving greater continued coverage of group insurance than is provided in this subsection; or

(2) Require coverage beyond the time limits set in paragraph E F.

Sec. 4. 24-A MRSA §2809-A, sub-§11, ¶J is enacted to read:

J. This subsection does not apply to any group policy subject to the United States Consolidated Omnibus Budget Reconciliation Act, Public Law 99-272, Title X, Private Health Insurance Coverage, Sections 10001 to 10003.

Effective September 29, 1987.

## CHAPTER 26

H.P. 54 — L.D. 57

**AN ACT Concerning the Fees Recoverable by a  
Municipality in a Nuisance Abatement.**

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

30 MRSA §4359, sub-§4, as amended by PL 1985, c. 612, §15, is further amended to read:

4. Abatement. In the event that the nuisance is not abated within the 10-day period, the municipal officers, or their agents, may enter the premises and cause the malfunction to be adequately remedied. Any actual and direct expenses, to include reasonable attorney's attorneys fees if a municipality is the prevailing party, incurred by a municipality in the abatement of such nuisances may shall be recovered from the owner by a civil complaint. The costs, including reasonable attorneys fees, to create and prosecute an action to collect expenses following such a civil complaint, shall also be recovered from the owners. In the alternative to collect such expenses, a special tax may be assessed by the assessors against the land on which the waste water disposal unit is located for the amount of such expenses, and such amount shall be included in the next annual warrant to the tax collector of said the town for collection, and shall be collected in the same manner as other state, county and municipal taxes are collected. Interest as determined by the municipality pursuant to Title 36, section 505, in the year in which the special tax is assessed shall accrue on all unpaid balances of any special tax beginning on the 60th day after the day of commitment of the special tax to the collector. The interest shall be added to and become part of the tax.

Effective September 29, 1987.

## CHAPTER 27

H.P. 112 — L.D. 122

**AN ACT to Continue the Central Filing System  
Established Pursuant to the United States Food  
Security Act of 1985.**

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

Whereas, provisions of the United States Food Security Act of 1985, Public Law 99-198, Section 1324, provide for the secretary of state of every state to establish and operate a central filing system for the recording of notices of security interests in farm products; and

Whereas, in the absence of such a central state filing