

# 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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**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

system which meets the criteria of the United States Food Security Act of 1985, Public Law 99-198, Section 1324, federal law provides that security interests in farm products cannot be protected or effective as to dealers or others in the business of purchasing those products unless lenders give direct notice of their security interests to all such buyers; and

Whereas, agricultural lenders in Maine have indicated their strong preference for a central filing system over direct notice; and

Whereas, if Maine fails to continue the central filing system contemplated by this federal law, the availability of farm financing in this State will be jeopardized; and

Whereas, the appropriation provided in this Act will allow the Secretary of State to continue to operate and implement the required system for security interests in farm products; 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. 5 MRSA §90-A is enacted to read:

§90-A. Central filing system for security interests in farm products

The Secretary of State may establish and operate a central filing system to record and provide notice of financing statements evidencing security interests in farm products. For this purpose, the Secretary of State may adopt rules, in accordance with the Maine Administrative Procedure Act, chapter 375, subchapter II, establish procedures and adopt a schedule of fees in conjunction with filing, registering, providing notices and other services performed by the Secretary of State in carrying out this section.

Receipt of notice by a registered buyer entitled to receive a master list of notices of filed effective financing statements shall be considered to occur on the date that a master list was sent or delivered by the Secretary of State.

Sec. 2. 11 MRSA §9-401, sub-§1, ¶(a-1), as repealed by PL 1985, c. 824, §2, is reenacted to read:

(a-1) When the collateral is farm products, a filing may be made with the Secretary of State in accordance with procedures adopted under Title 5, section 90-A.

Sec. 3. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

SECRETARY OF STATE, DEPARTMENT OF THE

All Other \$14,000  
Operation of a central filing system for financing statements and other notices required to protect security interests.

Sec. 4. **Retroactivity; application.** This Act shall apply retroactively to February 1, 1987. The service provided by the Secretary of State as a central filing system shall be deemed to have continued uninterrupted upon passage of this Act.

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

Effective April 1, 1987.

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CHAPTER 28

H.P. 550 — L.D. 737

AN ACT to Establish an Alien Trapping License.

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

Sec. 1. 12 MRSA §7133, sub-§1, ¶E is enacted to read:

E. Any nonresident alien is eligible to purchase a nonresident alien trapping license.

Sec. 2. 12 MRSA §7133, sub-§4, as repealed and replaced by PL 1983, c. 807, Pt. P, §11, is repealed and the following enacted in its place:

4. Schedule of fees. The fees for trapping licenses shall be as follows.

- A. Resident trapping . . . . . \$29
- B. Resident junior trapping . . . . . \$5
- C. Nonresident trapping . . . . . \$304
- D. Nonresident alien trapping . . . . . \$510

Effective September 29, 1987.

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CHAPTER 29

H.P. 138 — L.D. 179

AN ACT to Make Lien Fees Consistent for Sewer Assessments and Real Property Taxes.

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