

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 2452

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E. LOUISE LINCOLN, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FOUR

AN ACT to Clarify Certain Municipal Laws.

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

Whereas, the municipal laws contain certain weaknesses; and

Whereas, the following legislation is intended to remedy these weaknesses;
and

Whereas, it is necessary to correct these weaknesses immediately; 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. R. S., T. 7, § 3401, amended. The first paragraph of section 3401 of Title 7 of the Revised Statutes, as amended, is further amended to read as follows:

Assessors of ~~taxes~~ municipalities and primary assessing areas shall ~~include in their inventories~~ maintain lists of all dogs 6 months old or over owned or kept by any inhabitants on the first day of January, setting the number and sex thereof opposite the names of their respective owners or keepers, and

shall make returns to the ~~clerks of their respective municipalities~~ clerk of each constituent municipality on or before the first day of June following.

Sec. 2. R. S., T. 7, § 3702, amended. The first paragraph of section 3702 of Title 7 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

The municipal officers of each municipality shall annually between January 1st and April 30th issue a warrant, returnable on October 15th following, to one or more police officers, constables or sheriff, directing him or them to proceed forthwith to enter complaint and summons to court the owner or keeper of any unlicensed dog. The said police officer, constable or sheriff shall, before entering such complaint and obtaining said summons, call on the owner or keeper of said dog and demand that he conform with the law and obtain a license from the clerk within 7 days from the day of demand, paying to the clerk in addition to the license fee, an officer's fee of \$3, which the clerk shall pay over to the officer, unless said payment is otherwise provided for in the municipal ordinance or charter.

Sec. 3. R. S., T. 12, § 4814, amended. Section 4814 of Title 12 of the Revised Statutes, as enacted by chapter 535 of the public laws of 1971, and as repealed and replaced by section 6 of chapter 564 of the public laws of 1973, is amended by adding at the end the following new sentence:

The Attorney General shall be made a party to all civil and criminal actions in which the pleadings challenge the legality of any ordinance or portion thereof adopted pursuant to the guidelines promulgated under section 4813.

Sec. 4. R. S., T. 21, § 361, sub-§ 2, amended. The first paragraph of subsection 2 of section 361 of Title 21 of the Revised Statutes is amended to read as follows:

The secretary of the committee shall have a notice of the caucus published in a newspaper having general circulation in the municipality at least 3 and not more than 7 days before it is to be held, **or shall post such notice in a conspicuous, public place in each voting district in the municipality at least 7 days next prior to said caucus.** The notice must contain the name of the party, the time and place of the caucus and the name of the person calling it.

Sec. 5. R. S., T. 22, § 2706, sub-§ 4, amended. Subsection 4 of section 2706 of Title 22 of the Revised Statutes, as amended by chapter 127 of the public laws of 1973, is further amended to read as follows:

4. Unlawful disclosure of data. It shall be unlawful for any employee of the State or of any municipality in the State to disclose data contained in such records, except as authorized in this section and except that a clerk of a municipality ~~shall~~ may cause to be printed in the annual town report the deaths reported within the year covered by the said report, by date of death, name, age and location by city or town where death occurred. All other details of death shall not be available to the general public.

Sec. 6. R. S., T. 22, § 4459-A, amended. The first sentence of the 2nd paragraph of section 4459-A of Title 22 of the Revised Statutes, as enacted

by section 1 of chapter 473 of the public laws of 1973, is amended to read as follows:

~~Each~~ **The municipal officers of each** municipality shall, no later than ~~90 days after the effective date of this Act~~ **January 3, 1974**, promulgate written standards of eligibility for relief.

Sec. 7. R. S., T. 22, § 4499, amended. The last sentence of section 4499 of Title 22 of the Revised Statutes, as enacted by section 1 of chapter 470 of the public laws of 1973, is amended to read as follows:

For the purposes of this section, the municipal officers shall submit to the Department of Health and Welfare a monthly return ~~under oath~~ on forms provided by the department stating the amount of net costs for furnishing general relief beginning at the end of the month in which the municipality's general relief expenditures exceed the ceiling formula stated in this section.

Sec. 8. R. S., T. 22, § 4502, amended. The first sentence of section 4502 of Title 22 of the Revised Statutes, as enacted by section 122 of chapter 625 of the public laws of 1973, is amended to read as follows:

In any instance when it is proposed to terminate, suspend or reduce relief being provided, when it is evident that termination, suspension or reduction of relief is necessary, the recipient shall be given timely and advanced notice detailing the reasons for the proposed action and informing the recipient of his right to request an evidentiary hearing ~~to be held~~ within 2 working days within receipt of the notice by the recipient, **which evidentiary hearing shall be held within 30 working days of receipt of said request.**

Sec. 9. R. S., T. 30, § 2151, sub-§ 4, ¶ C, sub-¶ (4), amended. The last sentence of subparagraph (4) of paragraph C of subsection 4 of section 2151 of Title 30 of the Revised Statutes, as enacted by section 97 of chapter 622 of the public laws of 1971, is amended to read as follows:

The building inspector shall not issue any permit for a building or use for which the applicant is required to obtain a license pursuant to Title 38, section 413 until the applicant has obtained such license; **nor shall the building inspector issue any permit for a building or use within a land subdivision, as defined in section 4956, unless that subdivision has been approved in accordance with that section.**

Sec. 10. R. S., T. 30, § 2156, sub-§ 1, ¶ A, amended. Paragraph A of subsection 1 of section 2156 of Title 30 of the Revised Statutes, as enacted by chapter 337 of the public laws of 1969 and as amended by section 13 of chapter 536 of the public laws of 1973, is further amended to read as follows:

A. "Code" means any published compilation of rules **or enforceable standards** which has been prepared by the American Insurance Association, the Building Officials and Code Administrators International, the International Conference of Building Officials, the National Fire Protection Association ~~or~~, the Southern Building Code Congress **or any department or agency of the Federal Government or the State of Maine**, and shall include specifically, but shall not be limited to: Building codes, plumbing codes, electri-

cal wiring codes, health or sanitation codes, fire prevention codes, inflammable liquids codes, together with any other code which embraces rules pertinent to a subject which is a proper municipal legislative matter.

Sec. 11. R. S., T. 30, § 4052, amended. The first paragraph of section 4052 of Title 30 of the Revised Statutes is amended to read as follows:

Each municipality ~~shall~~ **may** each year set aside 5% of the money raised and appropriated for ways and bridges, to be used in cutting and removing all trees, shrubs and useless fruit trees, bushes and weeds, except shade trees, timber trees, cared-for fruit trees and ornamental shrubs growing between the road limit and the wrought part of any highway or town way, until all the trees, shrubs and worthless fruit trees, bushes and weeds have been once removed from the limits of such highway or town way, after which the owner of the land adjoining such highway or town way shall each year, before the first day of October, remove all bushes, weeds, worthless trees and grass from the roadside adjoining his cultivated or mowing fields. The municipality shall care for all land not included in the above, except wild land.

Sec. 12. R. S., T. 30, § 4964, amended. The first sentence of section 4964 of Title 30 of the Revised Statutes, as enacted by section 2 of chapter 455 of the public laws of 1971, is amended to read as follows:

Any planning board or district established and any ordinance, comprehensive plan or map adopted under a prior ~~inconsistent~~ and repealed statute shall remain in effect until abolished, amended or repealed.

Sec. 13. R. S., T. 30, § 5151, repealed and replaced. Section 5151 of Title 30 of the Revised Statutes, as repealed and replaced by section 3 of chapter 369 and section 2 of chapter 543, both of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 5151. Revenue anticipation notes; fiscal year

A municipality by vote of its municipal officers may in any municipal year borrow money temporarily and issue notes in anticipation of taxes, and state and federal revenue-sharing money.

1. Amount. The amount borrowed in anticipation of taxes shall not exceed the total tax levy of the preceding municipal year. The amount borrowed in anticipation of state or federal revenue sharing shall not exceed the amount of revenue-sharing entitlements projected by the paying units of government for the current period of entitlement.

2. When paid. The notes shall be paid in the municipal year in which they were made. The notes issued in anticipation of taxes shall be paid out of money raised by taxation. The notes issued in anticipation of revenue-sharing money shall be paid out of money received as a result of revenue sharing.

3. Municipal year defined. The municipal fiscal year shall be as determined by the municipal officers.

Sec. 14. R. S., T. 30, § 5618, amended. The first sentence of section 5618 of Title 30 of the Revised Statutes is amended to read as follows:

If such valuation is not made and returned by any town or plantation, **which is not within a primary assessing district or is not itself a primary assessing district**, within the time specified, the county commissioners shall appoint 3 suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required within the time fixed by said commissioners.

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

STATEMENT OF FACT

The purpose of this bill is reflected in the emergency preamble.