

# MAINE STATE LEGISLATURE

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L.D. 2538

(Filing No. H- 715 )

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
113TH LEGISLATURE  
SECOND REGULAR SESSION

HOUSE AMENDMENT "<sup>C</sup>" to H.P. 1855, L.D. 2538,  
Bill, "AN ACT to Recodify the Laws on Municipalities  
and Counties."

Amend the bill in Part A, in section 2, in that  
part designated "§2." by striking out all of  
subsection 1, first paragraph and inserting in its  
place the following:

'1. County officers' salaries. Notwithstanding  
other sections of this chapter, counties that are not  
required to obtain legislative approval of their  
budgets under section 253, are not required to obtain  
legislative approval of the salaries of county  
officers under this section. The county  
commissioners, treasurers, sheriffs, judges of  
probate, registers of probate and registers of deeds  
in those counties whose budgets require legislative  
approval under section 253, shall receive annual  
salaries from the county treasury in weekly, biweekly,  
monthly, semiannual or annual payments, as follows:'

Further amend the bill in Part A, in section 2 in  
that part designated "§61." in subsection 2 in the 5th  
line (page 13, line 25 in L.D.) by inserting after the  
underlined word "The" the following: 'municipal' and  
in the 4th line from the end (page 13, line 28 in  
L.D.) by inserting after the underlined word "The" the  
following: 'municipal'

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1 Further amend the bill in Part A in section 2 in  
2 that part designated "§151." in subsection 1 in the  
3 next to the last line (page 37, line 25 in L.D.) by  
4 striking out the following: "of the deputies" and  
5 inserting in its place the following: 'deputy sheriff'

6 Further amend the bill in Part A in section 2 in  
7 that part designated "§174." in subsection 2 in the  
8 3rd line (page 42, line 8 in L.D.) by striking out the  
9 following: "and"

10 Further amend the bill in Part A in section 2 in  
11 that part designated "§255." in subsection 3 in  
12 paragraph B in the 2nd line (page 48, line 14 in L.D.)  
13 by inserting after the underlined words "of the" the  
14 following: 'prosecutorial'

15 Further amend the bill in Part A in section 2 in  
16 that part designated "§255." in subsection 3 in  
17 paragraph C in the last line (page 48, line 17 in  
18 L.D.) by inserting after the underlined word "the" the  
19 following: 'prosecutorial'

20 Further amend the bill in Part A in section 2 in  
21 the part designated "§255." in subsection 4 in  
22 paragraph A in the next to the last line (page 48,  
23 line 29 in L.D.) by inserting after the underlined  
24 word "control" the following: 'as to'

25 Further amend the bill in Part A in section 2 in  
26 that part designated "§256." in subsection 1 in the  
27 next to the last line (page 49, line 16 in L.D.) by  
28 striking out the underlined word "the" and inserting  
29 in its place the following: 'their'

30 Further amend the bill in Part A in section 2 in  
31 that part designated "§257." in subsection 3 in the  
32 4th line (page 50, line 16 in L.D.) by inserting after  
33 the underlined word "duties" the following: 'of office'

34 Further amend the bill in Part A in section 2 in  
35 that part designated "§272." in subsection 4 in the  
36 5th line (page 51, line 28 in L.D.) by inserting after  
37 the underlined word "deputy" the following: 'district  
38 attorney'

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1 Further amend the bill in Part A in section 2 in  
2 that part designated "§281." in subsection 2 in the  
3 4th line (page 52, line 29 in L.D.) by striking out  
4 the following: "duties" and inserting in its place the  
5 following: 'the duties of office'

6 Further amend the bill in Part A in section 2 in  
7 that part designated "§283." in the 3rd line (page 54,  
8 line 12 in L.D.) by striking out the following:  
9 "trials" and inserting in its place the following:  
10 'terms'

11 Further amend the bill in Part A in section 2 by  
12 striking out all of the part designated "§354." and  
13 inserting in its place the following:

14 '§354. Uniforms

15 1. Uniforms provided. Every county shall furnish  
16 one uniform to the sheriff and to each full-time  
17 deputy, sufficient to identify them as officers of the  
18 law. If the county commissioners approve, the county  
19 may provide more than one uniform for each. The  
20 sheriffs shall require each deputy, while engaged in  
21 the enforcement of Title 29, section 2501, to wear a  
22 uniform as required by this section.

23 2. Labor disputes. No deputy or special deputy  
24 may wear or display a uniform or badge that identifies  
25 the deputy or special deputy as a public law  
26 enforcement officer at the site of a labor dispute,  
27 strike or lockout, except while on active duty in the  
28 public service and while traveling to and from public  
29 work.'

30 Further amend the bill in Part A in section 2 in  
31 that part designated "§383." in subsection 1 in the  
32 first and 2nd lines (page 64, lines 30 and 31 in L.D.)  
33 by striking out the following: "the sheriff takes" and  
34 inserting in its place the following: 'taking'

35 Further amend the bill in Part A in section 2 in  
36 that part designated "§402." in subsection 1 in the  
37 first line (page 68, line 15 in L.D.) by inserting  
38 after the underlined word "Any" the following: 'law'

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enforcement'

2 Further amend the bill in Part A in section 2 in  
3 that part designated "§402." in subsection 2 in the  
4 2nd line (page 68, line 24 in L.D.) by striking out  
5 the following: "an" and inserting in its place the  
6 following: 'a law enforcement'

7 Further amend the bill in Part A in section 2 in  
8 that part designated "§404." by striking out all of  
9 the first paragraph and inserting in its place the  
10 following:

11 'Every sheriff or deputy sheriff in fresh pursuit  
12 of a person who travels beyond the limits of the  
13 county in which the sheriff or deputy is appointed has  
14 the same power to arrest that person as the sheriff or  
15 deputy has within the sheriff's or deputy's own  
16 county. This section applies to all classes of crimes  
17 and traffic infractions.'

18 Further amend the bill in Part A in section 2 in  
19 that part designated "§421." in subsection 6 in the  
20 first and 2nd lines (page 70, lines 2 and 3 in L.D.)  
21 by striking out the following: "arrests is" and  
22 inserting in its place the following: 'arrests,'

23 Further amend the bill in Part A in section 2 in  
24 that part designated "§421." in subsection 10 in the  
25 next to the last line (page 70, line 27 in L.D.) by  
26 striking out the following: "are entitled to"

27 Further amend the bill in Part A in section 2 in  
28 that part designated "§421." in subsection 14 in the  
29 4th and 5th lines (page 71, lines 18 and 19 in L.D.)  
30 by striking out the following: "sheriff's deputy" and  
31 inserting in its place the following: 'deputy sheriff'

32 Further amend the bill in Part A in section 2 in  
33 that part designated "§421." the 4th paragraph from  
34 the end in the first line (page 71, line 22 in L.D.)  
35 by inserting at the beginning the following:  
36 '15. Levy on real estate.'

37 Further amend the bill in Part A in section 2 in  
38 that part designated "§421." in the last paragraph in

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1 the 3rd line (page 71, line 39 in L.D.) by striking  
2 out the following: "14, 15 and 16" and inserting in  
3 its place the following: '12, 13 and 14'

4 Further amend the bill in Part A in section 2 in  
5 that part designated "\$431." in the first paragraph in  
6 the 2nd line (page 73, line 2 in L.D.) by striking out  
7 the following: "amount of the" and inserting in its  
8 place the following: 'amount of those'

9 Further amend the bill in Part A in section 2 in  
10 that part designated "\$433." in subsection 2 by  
11 striking out all of the last 2 underlined sentences  
12 and inserting in their place the following: 'If,  
13 within 40 days after this service, the sheriff does  
14 not pay the creditor the full debt with reasonable  
15 costs for copies and service of the copies, he thereby  
16 vacates the office of sheriff. When the office is  
17 vacated, the clerk may issue alias executions against  
18 the former sheriff's property and body, as in other  
19 cases.'

20 Further amend the bill in Part A in section 2 in  
21 that part designated "\$501." in subsection 1 in the  
22 4th line (page 81, line 12 in L.D.) by striking out  
23 the following: "according to" and inserting in its  
24 place the following: 'under' and in the 10th line  
25 (page 81, line 18 in L.D.) by striking out the  
26 following: "the person or select a" and inserting in  
27 its place the following: 'that person or select  
28 another'

29 Further amend the bill in Part A in section 2 in  
30 that part designated "\$501." in subsection 4 in the  
31 last line (page 82, line 22 in L.D.) by striking out  
32 the following: "according to" and inserting in its  
33 place the following: 'under'

34 Further amend the bill in Part A in section 2 in  
35 that part designated "\$503." in subsection 2 in the  
36 4th line (page 83, line 28 in L.D.) by striking out  
37 the following: "a duly" and inserting in its place the  
38 following: 'the employee's'

39 Further amend the bill in Part A in section 2 in  
40 that part designated "\$557." in the 3rd line (page 89,

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1 line 21 in L.D.) by striking out the following:  
2 "provisions" and inserting in its place the  
3 following: 'provision'

4 Further amend the bill in Part A in section 2 in  
5 that part designated "§733." in subsection 1, in  
6 paragraph D in the next to the last line (page 102,  
7 line 30 in L.D.) by striking out the following:  
8 "approve" and inserting in its place the following:  
9 'provide advice on'

10 Further amend the bill in Part A in section 2 in  
11 that part designated "§735." in subsection 2 in the  
12 first paragraph in the last 2 lines (page 103, lines  
13 30 and 31 in L.D.) by striking out the following:  
14 "increase, decrease, alter or review the proposed  
15 budgets provided that:" and inserting in its place the  
16 following: 'recommend increases, decreases or  
17 alterations to the proposed budgets provided that:'

18 Further amend the bill in Part A in section 2 in  
19 that part designated "§735." in subsection 2 in  
20 paragraph A, in the 2nd line (page 103, line 33 in  
21 L.D.) by inserting after the underlined word "any" the  
22 following: 'suggested'

23 Further amend the bill in Part A in section 2 in  
24 that part designated "§735." in subsection 4 in the  
25 2nd line (page 104, line 15 in L.D.) by striking out  
26 the following: "budget committee" and inserting in  
27 its place the following: 'county commissioners' and in  
28 the next the last line (page 104, line 20 in L.D.) by  
29 striking out the following: "budget committee" and  
30 inserting in its place the following: 'county  
31 commissioners'

32 Further amend the bill in Part A in section 2 in  
33 that part designated "§735." in subsection 5 in the  
34 first line (page 104, line 22 in L.D.) by striking out  
35 the following: "budget committee" and inserting in  
36 its place the following: 'county commissioners'

37 Further amend the bill in Part A in section 2 in  
38 that part designated "§736." in the first paragraph in  
39 the 7th to 12th lines (page 105, lines 8 to 13 in  
40 L.D.) by striking out the following: "the budget"

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1 committee. The budget committee shall within 15  
2 calendar days approve, disapprove or amend this  
3 revised budget. If the proposed revised budget is  
4 approved or amended, the budget committee within this  
5 same time period shall forward the revised budget to"

6 Further amend the bill in Part A in section 2 in  
7 that part designated "§902." in subsection 3 in the  
8 last line (page 121, line 15 in L.D.) by striking out  
9 the following: "the disposal of solid waste" and  
10 inserting in its place the following: 'disposed of'

11 Further amend the bill in Part A in section 2 in  
12 that part designated "§1352." in subsection 1 in  
13 paragraph D (page 148, line 1 in L.D.) by striking out  
14 the following: "Chapter 1, subchapter IV, section"  
15 and inserting in its place the following: 'Section'

16 Further amend the bill in Part A in section 2 in  
17 that part designated "§1501." in the first paragraph  
18 in the next to the last line (page 149, line 30 in  
19 L.D.) by striking out the following: "the" and  
20 inserting in its place the following: 'a'

21 Further amend the bill in Part A in section 2 in  
22 that part designated "§1506." in the next to the last  
23 line (page 151, line 26 in L.D.) by striking out the  
24 following: "successor" and inserting in its place the  
25 following: 'new sheriff'

26 Further amend the bill in Part A in section 2 in  
27 that part designated "§1556." in subsection 1 in the  
28 next to the last line (page 154, line 11 in L.D.) by  
29 inserting after the underlined word: "the" the  
30 following: 'sheriff's'

31 Further amend the bill in Part A in section 2 in  
32 that part designated "§2001." by inserting after  
33 subsection 14 the following:

34 '14-A. Public sewer or public drain. "Public  
35 sewer" or "public drain" means any sewer or drain  
36 constructed or laid by a governmental entity for the  
37 use of the public and includes both gravity and  
38 pressure mains.'



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1 Further amend the bill in Part A in section 2 in  
2 that part designated "§2252." in the first paragraph  
3 in the next to the last line (page 195, line 28 in  
4 L.D.) by striking out the following: "that"

5 Further amend the bill in Part A in section 2 in  
6 that part designated "§2313." in subsection 4 in the  
7 first line (page 203, line 17 in L.D.) by striking out  
8 the following: "Since" and inserting in its place the  
9 following: 'Where'

10 Further amend the bill in Part A in section 2 in  
11 that part designated "§2316." in subsection 2 in  
12 paragraph A (page 204, line 4 in L.D.) by striking out  
13 the following: "or its agencies"

14 Further amend the bill in Part A in section 2 in  
15 that part designated "§2325." in subsection 2 in  
16 paragraph A (page 206, line 36 in L.D.) by striking  
17 out the following: "or its agencies"

18 Further amend the bill in Part A in section 2 in  
19 that part designated "§2342." in subsection 1, in  
20 paragraph B in the first line (page 208, line 19 in  
21 L.D.) by inserting after the underlined word "When"  
22 the following: 'the Department of Economic and  
23 Community Development determines that'

24 Further amend the bill in Part A in section 2 in  
25 that part designated "§2523." in subsection 5 in the  
26 2nd line (page 219, line 11 in L.D.) by striking out  
27 the following: "that person's" and inserting in its  
28 place 'a'

29 Further amend the bill in Part A in section 2 by  
30 inserting after that part designated "§2342." the  
31 following:

32 'CHAPTER 120

33 QUASI-MUNICIPAL CORPORATIONS OR DISTRICTS

34 §2351. Definitions

35 As used in this chapter, unless the context  
36 indicates otherwise, the following terms have the

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1 following meanings.

2 1. Affected municipalities. "Affected  
3 municipalities" means all those municipalities which,  
4 in whole or in part, lie within the boundaries of the  
5 quasi-municipal corporation or district.

6 2. Charter amendment. "Charter amendment" means  
7 a change in the charter of a quasi-municipal  
8 corporation or district which is not a charter  
9 revision.

10 3. Charter revision. "Charter revision" means a  
11 change in the charter of a quasi-municipal corporation  
12 or district which has an effect on:

- 13 A. The number of or method of selecting trustees;  
14 B. The powers of trustees;  
15 C. The powers of the corporation or district;  
16 D. Election procedures, other than election dates;  
17 E. The boundaries of the corporation or district;  
18 F. Methods of establishing rates;  
19 G. Any debt limitation;  
20 H. Methods of land acquisition, including eminent  
21 domain;  
22 I. Amount of spending without voter approval; or  
23 J. Liens.

24 4. Quasi-municipal corporation or district.  
25 "Quasi-municipal corporation or district" means any  
26 governmental unit that includes a portion of a  
27 municipality, a single municipality or several  
28 municipalities and which is created by law to deliver  
29 public services but which is not a general purpose  
30 governmental unit. Quasi-municipal corporation or  
31 district does not include School Administrative  
32 Districts or hospital districts.

1           5. Quasi-municipal corporation or district  
2 voters. "Quasi-municipal corporation or district  
3 voters" means the voters who reside within the  
4 boundaries of the quasi-municipal corporation or  
5 district.

6           §2352. Charter amendments

7           If, after the board of trustees of the  
8 quasi-municipal corporation or district holds a public  
9 hearing on the proposed amendment, the board  
10 unanimously votes in favor of an amendment to the  
11 charter of the quasi-municipal corporation or  
12 district, the board shall submit that amendment to the  
13 joint standing committee of the Legislature having  
14 jurisdiction over utilities to be included in the  
15 annual omnibus legislation as provided in section  
16 2355. The amendment is effective upon the effective  
17 date of the omnibus legislation.

18           §2353. Charter revisions

19           1. Board of trustees and municipal legislative  
20 bodies. If, after the board of trustees of the  
21 quasi-municipal corporation or district holds a public  
22 hearing on the proposed revision, a majority of the  
23 board and a majority of each municipal legislative  
24 body of the affected municipalities vote in favor of a  
25 revision of the charter of the quasi-municipal  
26 corporation or district, the proposed revision shall  
27 be submitted to the quasi-municipal corporation or  
28 district voters in each affected municipality  
29 according to the procedures in section 2354. If the  
30 charter revision passes, the trustees of the  
31 quasi-municipal corporation or district shall submit  
32 that change to the joint standing committee of the  
33 Legislature having jurisdiction over utilities to be  
34 included in the annual omnibus legislation as provided  
35 in section 2355. The revision is effective upon the  
36 effective date of the omnibus legislation.

37           2. Alternative method, initiated petition. On  
38 the written petition of a number of voters equal to at  
39 least 20% of the total number of the votes cast in the  
40 affected municipalities in the last gubernatorial

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1 election, but in no case less than 10 voters, the  
2 proposed revision shall be submitted to the  
3 quasi-municipal corporation or district voters in each  
4 affected municipality according to the procedures in  
5 section 2354. If the charter revision passes, the  
6 trustees of the quasi-municipal corporation or  
7 district shall submit that change to the joint  
8 standing committee of the Legislature having  
9 jurisdiction over utilities to be included in the  
10 annual omnibus legislation as provided in section  
11 2355. The revision is effective upon the effective  
12 date of the omnibus legislation.

13 §2354. Procedure for referenda on charter changes

14 1. Board of trustees of quasi-municipal  
15 corporation or district. When a referendum on a  
16 charter revision is required under section 2353, the  
17 board of trustees of the quasi-municipal corporation  
18 or district shall initiate a corporation or district  
19 referendum and place before the voters the specific  
20 charter revision which has been proposed by the board  
21 or the petitioners.

22 2. Method of calling a corporation or district  
23 referendum. A corporation or district referendum  
24 shall be initiated by a warrant prepared and signed by  
25 a majority of the board of trustees. The warrant  
26 shall be countersigned by the municipal officers in  
27 each municipality where the warrants are posted.

28 A. The warrant shall direct the municipal  
29 officers of the affected municipalities to call a  
30 referendum on a date and time determined by the  
31 board of trustees. A warrant shall be prepared  
32 and distributed at least 30 days before the  
33 referendum.

34 (1) The warrant shall be directed to a  
35 resident of one of the affected  
36 municipalities by name ordering the resident  
37 to notify the municipal officers of each of  
38 the affected municipalities to call a town  
39 meeting or municipal election on the date  
40 specified by the board of trustees. No other  
41 date may be used. The person who serves the



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1 with sections 2524 and 2528 to 2532, even  
2 though the town has not accepted the  
3 provisions of sections 2528 and 2529. The  
4 facsimile signature of the clerk under  
5 section 2528, subsection 6, paragraph F,  
6 shall be that of the chairman of the board of  
7 trustees. If a corporation or district  
8 referendum is called to be held  
9 simultaneously with any statewide election,  
10 the voting in towns shall be held and  
11 conducted in accordance with Title 21-A,  
12 except that the duties of the Secretary of  
13 State shall be performed by the board. The  
14 absentee voting procedure of Title 21-A shall  
15 be used, except that the duties of the  
16 Secretary of State shall be performed by the  
17 board.

18 (2) The voting at referenda in cities shall  
19 be held and conducted in accordance with  
20 Title 21-A, including the absentee voting  
21 procedure, except that the duties of the  
22 Secretary of State shall be performed by the  
23 board of trustees.

24 C. The return and counting of votes shall be as  
25 follows.

26 (1) The municipal clerk shall, within 24  
27 hours of the determination of the results of  
28 the vote in the municipality, certify and  
29 send to the board of trustees the total  
30 number of votes cast in the affirmative and  
31 in the negative on the article.

32 (2) As soon as all of the results from all  
33 of the municipalities have been returned to  
34 the board of trustees, the board shall meet  
35 and compute the total number of votes cast in  
36 all of the affected municipalities in the  
37 affirmative and in the negative on the  
38 article.

39 (3) If the board of trustees determines that  
40 there were more votes cast in the affirmative  
41 than in the negative on the article, it shall

1 declare that the article has passed.

2 (4) If the board of trustees determines that  
3 the total number of votes cast on the article  
4 in the affirmative is equal to or less than  
5 those cast in the negative, it shall declare  
6 that the article has not passed.

7 (5) The board of trustees shall enter its  
8 declaration and computations in its records  
9 and send certified copies of it to the clerk  
10 of each affected municipality.

11 4. Reconsideration. The procedure to reconsider  
12 votes taken at a corporation or district referendum  
13 shall be as follows.

14 A. The board of trustees shall, within 60 days,  
15 initiate a new corporation or district referendum  
16 to reconsider the vote of the previous referendum  
17 if, within 7 days of the first referendum, at  
18 least 10% of the number of voters voting for the  
19 gubernatorial candidates in the last gubernatorial  
20 election in the affected municipalities petition  
21 to reconsider a prior corporation or district  
22 referendum vote.

23 B. A reconsideration referendum is not valid  
24 unless the number of persons voting in that  
25 referendum is at least equal to the number who  
26 voted in the prior corporation or district  
27 referendum.

28 C. If the margin of the vote being reconsidered  
29 was between 10% and 25%, the petitioners shall  
30 post a bond with the petition equal to the actual  
31 and reasonable costs of the new referendum. If  
32 the margin of the vote being reconsidered exceeded  
33 25%, the petitioners shall post an additional bond  
34 equal to the actual and reasonable costs which may  
35 be incurred as a result of the delay of an  
36 authorization or approval granted in the prior  
37 corporation or district referendum. If the  
38 petitioners are successful, the bonds shall be  
39 canceled.

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5. Inspection and recount. Upon written application of 10% of the persons, or 100 persons, whichever is less, whose names were checked on the voting lists at any quasi-municipal corporation or district referendum held under this chapter, a ballot inspection or a recount hearing shall be granted. The time limits, rules and all other matters applying to candidates under sections 2530 and 2531 apply equally to applicants for either the inspection or recount.

§2355. Annual omnibus legislation

The joint standing committee of the Legislature having jurisdiction over utilities shall report each year an omnibus bill including amendments to and revisions of the charters of quasi-municipal corporations or districts which have been submitted to the committee as provided in this chapter.

§2356. General provisions

1. Other legislation not precluded. This chapter does not preclude the introduction of any legislation concerning quasi-municipal corporation or district charter amendments or revisions.

2. Effect of contrary charter provisions. Any portion of the charter of any quasi-municipal corporation or district which is contrary to this chapter has no effect.

3. Trustees' compensation; water districts and sewer districts. This chapter does not affect the procedures concerning changes in the compensation of trustees of water districts and sewer districts as provided in Title 35-A, section 6303, subsection 4, and Title 38, section 1252, subsection 5.'

Further amend the bill in Part A in section 2 in that part designated "§2526." in subsection 9 in the 3rd line (page 226, line 20 in L.D.) by inserting after the underlined word: "meeting" the following:  
' , '

Further amend the bill in Part A in section 2 in



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1 that part designated "§2526." in subsection 9 in  
2 paragraph C in subparagraph (2) in the first line  
3 (page 227, line 13 in L.D.) by striking out the  
4 following: "the" and inserting in its place the  
5 following: 'a'

6 Further amend the bill in Part A in section 2 in  
7 that part designated "§2526." in subsection 9 in  
8 paragraph C in subparagraph (3) in the last line (page  
9 227, line 16 in L.D.) by inserting after the  
10 underlined word "for" the following: 'these'

11 Further amend the bill in Part A in section 2 in  
12 that part designated "§2528." in subsection 1 in the  
13 3rd line (page 228, line 18 in L.D.) by striking out  
14 the following: "following provisions" and inserting  
15 in its place the following: 'provisions of this  
16 section'

17 Further amend the bill in Part A in section 2 in  
18 that part designated "§2528." in subsection 3 in  
19 paragraph A in the 3rd and 4th lines (page 229, lines  
20 14 and 15 in L.D.) by striking out the following: "the  
21 next day other than a Sunday" and inserting in its  
22 place the following: 'another date within 14 days of  
23 the date set for elections'

24 Further amend the bill in Part A in section 2 in  
25 that part designated "§2528." in subsection 4 in  
26 paragraph A in the next to the last line (page 229,  
27 line 25 in L.D.) by striking out the following:  
28 "candidate," and inserting in its place the  
29 following: 'candidate and'

30 Further amend the bill in Part A in section 2 in  
31 that part designated "§2528." in subsection 6 by  
32 striking out all of paragraph B and inserting in its  
33 place the following:

34 'B. At the end of the list of candidates for each  
35 office, there shall be left as many blank spaces  
36 as there are vacancies to be filled in which a  
37 voter may write in the name and municipality of  
38 residence of any person for whom the voter desires  
39 to vote. A sticker may not be used to vote for a  
40 write-in candidate in any municipal election.'

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1 Further amend the bill in Part A in section 2 in  
2 that part designated "§2528." in subsection 6 in  
3 paragraph I in the 2nd line (page 233, line 28 in  
4 L.D.) by striking out the following: "691" and  
5 inserting in its place the following: '692'

6 Further amend the bill in Part A in section 2 in  
7 that part designated "§2528." in subsection 8 in  
8 paragraph B in the last line (page 234, line 22 in  
9 L.D.) by inserting after the 2nd "the" the following:  
10 'clerk's'

11 Further amend the bill in Part A in section 2 in  
12 that part designated "§2533." in the first paragraph  
13 in the first line (page 239, line 5 in L.D.) by  
14 striking out the following: "30" and inserting in its  
15 place the following: '20'

16 Further amend the bill in Part A in section 2 in  
17 that part designated "§2554." by striking out all of  
18 subsection 2 and inserting in its place the following:

19 '2. Write-in votes. In any city election, a  
20 voter may write in the name and municipality of  
21 residence of any person for whom the voter desires to  
22 vote in the blank space provided at the end of the  
23 list of candidates for office. A sticker may not be  
24 used to vote for a write-in candidate in any city  
25 election.'

26 Further amend the bill in Part A in section 2 in  
27 that part designated "§2602." in subsection 6 in  
28 paragraph A in the next to the last line (page 244,  
29 line 11 in L.D.) by inserting after the underlined  
30 word "officers" the following: 'or a school committee'

31 Further amend the bill in Part A in section 2 in  
32 that part designated "§2631." in subsection 1 in the  
33 last line (page 247, line 26 in L.D.) by striking out  
34 the following: "60" and inserting in its place the  
35 following: '90'

36 Further amend the bill in Part A in section 2 in  
37 that part designated "§2631." in subsection 3 in the  
38 3rd line (page 248, line 3 in L.D.) by striking out

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the following: "60" and inserting in its place the following: '90'

4 Further amend the bill in Part A in section 2 in  
5 that part designated "§2632." in subsection 2 in the  
6 3rd line (page 248, line 14 in L.D.) by striking out  
7 the following: "during tenure of" and inserting in  
its place the following: 'while in'

8 Further amend the bill in Part A in section 2 in  
9 that part designated "§2634." in the 3rd line (page  
10 249, line 15 in L.D.) by inserting after the  
11 underlined word "perform" the following: "the  
12 manager's" and in the next to the last line (page 249,  
13 line 20 in L.D.) by inserting after the underlined  
14 word "during" the following: 'the'

15 Further amend the bill in Part A in section 2 in  
16 that part designated "§2636." in subsection 7 in the  
17 3rd line (page 250, line 30 in L.D.) by inserting  
18 after the underlined word "selectmen" the following:  
19 'may'

20 Further amend the bill in Part A in section 2 by  
21 striking out all of that part designated "§2674."

22 Further amend the bill in Part A in section 2 by  
23 renumbering section "§2675." to be '§2674.'

24 Further amend the bill in Part A in section 2 by  
25 inserting after "§2675." the following:

26 '§2675. Wearing of uniforms or badges; labor disputes

27 No municipal police officer, special police  
28 officer, constable or other municipal law enforcement  
29 officer may wear or display a uniform or badge that  
30 identifies the officer as a public law enforcement  
31 officer at the site of a labor dispute, strike or  
32 lockout, except while on active duty in the public  
33 service and while traveling to and from public work.'

34 Further amend the bill in Part A in section 2 in  
35 that part designated "§2691." in subsection 2 in  
36 paragraph B in the first and 2nd lines (page 258,  
37 lines 31 and 32 in L.D.) by striking out the

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1 following: "the municipal officer's spouse" and  
2 inserting in its place the following: 'a spouse of a  
3 municipal officer'

4 Further amend the bill in Part A in section 2 in  
5 that part designated "§2702." in subsection 1 in  
6 paragraph A in the first line (page 261, line 24 in  
7 L.D.) by striking out the following: "resumes,"

8 Further amend the bill in Part A in section 2 in  
9 that part designated "§2702." in subsection 2 in the  
10 4th line (page 262, line 23 in L.D.) by inserting  
11 after the underlined word "or" the following: 'the  
12 employee's'

13 Further amend the bill in Part A in section 2 in  
14 that part designated "§2753." in subsection 3 in the  
15 4th line (page 265, line 6 in L.D.) by striking out  
16 the following: "the attestation" and inserting in its  
17 place the following: 'an attestation'

18 Further amend the bill in Part A in section 2 in  
19 that part designated "§2801." by adding after  
20 subsection 3 the following:

21 '3-A. Names of those issued concealed firearms  
22 permits. The names of persons issued concealed  
23 firearms permits under Title 25, chapter 252, may not  
24 be printed in the annual report.'

25 Further amend the bill in Part A in section 2 in  
26 that part designated "§2801." by striking out all of  
27 subsection 6 and inserting in its place the following:

28 '6. Penalty. A municipal official who refuses or  
29 neglects to perform any duty required by this section  
30 commits a civil violation for which a fine of \$50 for  
31 each offense may be adjudged.'

32 Further amend the bill in Part A in section 2 by  
33 inserting after that part designated "§2902." the  
34 following:

35 'CHAPTER 133

36 FENCES AND FENCE VIEWERS

1    §2951. Legal fences

2       All fences 4 feet high and in good repair,  
3 consisting of rails, timber, stone walls, iron or  
4 wire, and brooks, rivers, ponds, creeks, ditches and  
5 hedges, or other things which in the judgment of the  
6 fence viewers having jurisdiction thereof are  
7 equivalent thereto, are legal and sufficient fences.

8    §2952. Maintenance

9       The occupants of lands enclosed with fences shall  
10 maintain partition fences between their own and the  
11 adjoining enclosures, in equal shares, while both  
12 parties continue to improve them.

13 §2953. Neglect of owners; function of fence viewers

14       If any party neglects or refuses to repair or  
15 rebuild any such fence, which that party is legally  
16 required to maintain, the aggrieved party may complain  
17 to 2 or more fence viewers of the town where the land  
18 is situated who, after due notice to the delinquent  
19 party, shall proceed to survey it and, if they  
20 determine that it is insufficient, they shall signify  
21 it in writing to the delinquent occupant and direct  
22 the delinquent occupant to repair or rebuild it within  
23 such time as they judge reasonable not exceeding 30  
24 days. If the fence is not repaired or rebuilt  
25 accordingly, the complainant may make or repair it.

26 §2954. Double compensation for building fence

27       When the complainant has completed such fence and,  
28 after notice given, it has been adjudged sufficient by  
29 2 or more of the fence viewers, and the value thereof,  
30 with the fence viewers' fees, certified under their  
31 hands, the complainant may demand of the occupant or  
32 owner of the land where the fence was deficient double  
33 the value and fees thus ascertained.

34       In case of neglect or refusal for one month after  
35 demand, the complainant may recover the same by a  
36 civil action, with interest at the rate of 1% a month,  
37 and if the delinquent owner or occupant repairs or

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1 rebuilt such fence without paying the fees of the  
2 fence viewers, certified by them, double the amount  
3 thereof may be recovered by the complainant as  
4 provided.

5 §2955. Division of partition fences; record of  
6 assignments; fees

7 When the occupants or owners of adjacent lands  
8 disagree respecting their rights in partition fences  
9 and their obligation to maintain them, on application  
10 of either party, two or more fence viewers of the town  
11 where the lands lie, after reasonable notice to each  
12 party, may in writing under their hands assign to each  
13 the occupants' or owners' share thereof and limit the  
14 time in which each shall build or repair each  
15 occupant's or owner's part of the fence, not exceeding  
16 30 days. Such assignment and all other assignments of  
17 proprietors of partition fences provided for, recorded  
18 in the town clerk's office, shall be binding upon the  
19 parties and they shall thereafter maintain their part  
20 of the fence. If such fence has been built and  
21 maintained by the parties in unequal proportions and  
22 the fence viewers adjudge it to be good and  
23 sufficient, they may, after notice in writing under  
24 their hands, award to the party who built and  
25 maintained the larger portion the value of such  
26 excess, to be recovered in a civil action against the  
27 other party if not paid within 6 months after demand.  
28 Parties to assignments shall pay the fees of the fence  
29 viewers certified under their hands in equal  
30 proportions, and if either party neglects to pay the  
31 party's proportion within one month after demand, the  
32 party applying to the fence viewers may pay the same  
33 and recover of the delinquent party, in a civil  
34 action, double the amount of that party's proportion  
35 thereof.

36 §2956. Building of part assigned; remedy on failure

37 If any party refuses or neglects to build and  
38 maintain the part thus assigned to that party, it may  
39 be done by the aggrieved party who is entitled to  
40 double the value and expenses, to be ascertained and  
41 recovered as provided in section 2954, and shall have  
42 a lien therefor on the land owned or occupied by the

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1 party neglecting or refusing to build or maintain the  
2 partition fence assigned to that party by the fence  
3 viewers, to be enforced by attachment made within one  
4 year from the day of division by them.

5 §2957. Repairs

6 All division fences shall be kept in good repair  
7 throughout the year, unless the occupants of adjacent  
8 lands otherwise agree.

9 §2958. Fences may vary from dividing line

10 When, in the opinion of the fence viewers having  
11 jurisdiction of the case, it is, by reason of natural  
12 impediments, impracticable or unreasonably expensive  
13 to build a fence on the true line between adjacent  
14 lands and the occupants disagree respecting its  
15 position, on application of either party as provided  
16 in section 2955, and after notice to both parties and  
17 a view of the premises, they may determine by a  
18 certificate under their hands communicated to each  
19 party on which side of the true line and at what  
20 distance, or whether partly on one side and partly on  
21 the other and at what distances, the fence shall be  
22 built and maintained and in what proportion by each  
23 party. Either party may have the same remedy against  
24 the other as if the fence were on the true line.

25 §2959. Assignment of parts before fence is built

26 When adjacent lands have been occupied in common  
27 without a partition fence and either party desires to  
28 occupy in severalty or when it is necessary to make a  
29 fence running into the water and the parties liable to  
30 build and maintain it disagree, either party may apply  
31 to the fence viewers of the town, who shall proceed as  
32 in section 2955, except that the fence viewers may  
33 allow longer than 30 days for building the fence,  
34 having regard to the season of the year. In other  
35 respects, the remedy shall be as provided in section  
36 2955.

37 §2960. Occupant ceasing to improve land; adjoining  
38 owner may buy fence

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1        When one party ceases to improve that party's land  
2 or lays open that party's enclosure, that party shall  
3 not take away any part of that party's partition fence  
4 adjoining the next enclosure improved if the owner or  
5 occupant thereof will pay therefor what 2 or more  
6 fence viewers, on due notice to both parties,  
7 determine to be its reasonable value.

8        §2961. Liability of owner starting to improve land  
9                lying in common

10        When any land which has been unenclosed is  
11 afterwards enclosed or used for pasturing, its  
12 occupant or owner shall pay for 1/2 of each partition  
13 fence on the line between that occupant's or owner's  
14 land and the enclosure of any other occupant or owner  
15 and its value shall be ascertained in writing; if the  
16 parties do not agree, by 2 or more of the fence  
17 viewers of the town where such fence stands. After  
18 the value is so ascertained, on notice to such  
19 occupant or owner, if the occupant or owner neglects  
20 or refuses for 30 days after demand to pay it, the  
21 proprietor of the fence may have a civil action for  
22 such value and the cost of ascertaining it.

23        §2962. Fences on town line

24        If the line on which a partition fence is to be  
25 made or divided is the boundary between 2 or more  
26 towns, or partly in one town and partly in another, a  
27 fence viewer shall be taken from each town.

28        §2963. Division of fences; notice; verbal agreements

29        When a fence between owners of improved lands is  
30 divided either by fence viewers or by the written  
31 agreement of the parties recorded in the town clerk's  
32 office where the land lies, the owners shall erect and  
33 support it accordingly. If any person lays that  
34 person's own lands common, and determines not to  
35 improve any part of them adjoining such fence, and  
36 gives 6 months' notice to all occupants of adjoining  
37 lands, that person shall not be required to maintain  
38 such fence while that person's land so lies common and  
39 unimproved. All partition fences divided by parol  
40 agreement and actually built in pursuance of such



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1 agreement, including fences so built heretofore, shall  
2 be deemed legal fences as if divided by fence viewers  
3 or written agreement, and the adjoining owners shall  
4 support their respective portions of fence under such  
5 agreement until otherwise ordered by the fence viewers  
6 on application to them by either party. When a party  
7 has constructed that party's part of a fence in  
8 pursuance of a parol or written agreement or  
9 assignment of fence viewers, no assignment may  
10 thereafter be made by fence viewers depriving that  
11 party of the full value of such fence or any part  
12 thereof.

13 §2964. Applicability to house lots or written  
14 agreements

15 Nothing in this chapter extends to house lots, the  
16 contents of which do not exceed half an acre; but if  
17 the owner of such lot improves it, the owner of the  
18 adjacent land shall make and maintain 1/2 of the fence  
19 between them whether that owner of adjacent land  
20 improves or not; nor does this chapter make void any  
21 written agreement respecting partition fences.

22 §2965. Neglect of duty by fence viewers

23 Any fence viewer who, when requested, unreasonably  
24 neglects to view any fence or to perform any other  
25 duties required of the fence viewer forfeits \$3 to any  
26 person suing therefor within 40 days after such  
27 neglect and is liable for all damages to the party  
28 injured.

29 §2966. Compensation of fence viewers

30 Each fence viewer shall be paid by the person  
31 employing the fence viewer at the rate of \$3 a day for  
32 the time employed. If the party liable neglects to  
33 pay the same for 30 days after demand, each fence  
34 viewer may recover double the amount in a civil  
35 action.'

36 Further amend the bill in Part A in section 2 in  
37 that part designated "§3001." in subsection 3 in the  
38 2nd line (page 273, line 18 in L.D.) by striking out  
39 the following: "impliedly" and inserting in its place

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1 the following: 'implicitly'

2 Further amend the bill in Part A in section 2 in  
3 that part designated "§3003." in subsection 2 in  
4 paragraph C in the next to the last line (page 275,  
5 line 30 in L.D.) by striking out the following: "are"  
6 and inserting in its place the following: 'were'

7 Further amend the bill in Part A in section 2 in  
8 that part designated "§3007." by striking out all of  
9 subsection 2 and inserting in its place the following:

10 '2. Buildings, structures, mobile homes, travel  
11 trailers and equipment. The following provisions  
12 apply to any ordinance enacted by a municipality  
13 concerning buildings, structures, mobile homes, travel  
14 trailers intended to be used for human habitation or  
15 equipment.

16 A. Any building, structure, mobile home or travel  
17 trailer intended to be used for human habitation  
18 and travel trailer parking facility or equipment  
19 existing in violation of such an ordinance is a  
20 nuisance.'

21 Further amend the bill in Part A in section 2 in  
22 that part designated "§3009." in subsection 1 in  
23 paragraph A by striking out all of subparagraph (2)  
24 and inserting in its place the following:

25 '(2) The municipal officers may establish a  
26 method by which persons charged with the  
27 violation of ordinances governing pedestrian  
28 traffic on the public ways may waive all  
29 court action by payment of specified fees  
30 within stated periods of time.'

31 Further amend the bill in Part A in section 2 in  
32 that part designated "§3009." in subsection 1 by  
33 striking out all of paragraph D and inserting in its  
34 place the following:

35 'D. The following provisions apply to any  
36 ordinance enacted by the municipal officers  
37 providing for the establishment of parking spaces  
38 for handicapped persons.

1           (1) The municipality shall post one of the  
2 following signs adjacent to and visible from  
3 each handicapped parking space:

4                   (a) A sign consisting of a profile view  
5 of a wheelchair with an occupant in  
6 white on a blue background with a  
7 printed inscription. The inscription  
8 shall read: "Handicapped Parking:  
9 Special Plate Required. Unauthorized  
10 vehicles are subject to a fine;" or

11                   (b) A sign consisting of a profile view  
12 of a wheelchair with an occupant in  
13 white on a blue background which may  
14 bear an inscription.

15           Any new sign erected or any sign replaced  
16 after April 11, 1983 must conform to the  
17 signs described in this subparagraph.

18           (2) Any vehicle or motorcycle parked in a  
19 parking space that is clearly designated as a  
20 handicapped parking space and does not bear a  
21 special registration plate or placard issued  
22 under Title 29, sections 252, 252-A and  
23 252-C, or a similar plate issued by another  
24 state, shall be cited for a penalty of \$50  
25 unless otherwise established by ordinance.  
26 "Clearly designated" includes painted signs  
27 on pavement, vertical standing signs or  
28 barriers which are visible in existing  
29 weather conditions.

30           (3) Owners of private off-street parking  
31 shall arrange for private enforcement or  
32 shall enter into agreements with local or  
33 county law enforcement agencies for the  
34 policing of stalls and spaces dedicated for  
35 handicapped persons' vehicles, under which  
36 agreements unauthorized vehicles will be  
37 ticketed. Where service facilities are  
38 established on the Maine Turnpike and on the  
39 interstate highway system in this State, the  
40 State Police shall enforce any handicapped

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1 parking restrictions at those facilities.

2 (a) Under these agreements, public law  
3 enforcement officers may ensure that  
4 parking spaces designated for the  
5 handicapped are used only by handicapped  
6 persons, whether the designated  
7 handicapped parking spaces are located  
8 on public lots or on private lots open  
9 to the public.'

10 Further amend the bill in Part A in section 2 in  
11 that part designated "§3101." by adding at the end of  
12 the first paragraph the following: 'The limitations  
13 set forth in this section do not apply to any taking  
14 authorized by any other law.'

15 Further amend the bill in Part A in section 2 by  
16 inserting after "§3104." the following:

17 '§3105. Small borrow pits

18 1. Requirements. The following provisions apply  
19 to any borrow pit not otherwise within the  
20 jurisdiction of the Department of Environmental  
21 Protection, under Title 38, chapter 3, subchapter I,  
22 article 6, and which is not subject to a municipal  
23 ordinance enacted under subsection 2.

24 A. All borrow pits subject to this subsection  
25 shall comply with the following requirements.

26 (1) The average slope of any cut bank  
27 measured from a point located 10 feet from  
28 the boundary of any abutting property to the  
29 bottom of the cut bank in the pit shall not  
30 exceed a horizontal to vertical ratio of  
31 2:1. The owner of the borrow pit is  
32 responsible for maintaining this condition.

33 (2) The top of the cut bank of the borrow  
34 pit shall, at no time, be closer than 10 feet  
35 from the property boundary of any abutting  
36 landowner.

37 B. Upon request of any owner of land abutting any

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1 borrow pit, the municipal officers shall conduct  
2 an inspection of the borrow pit to ascertain  
3 compliance with this subsection.

4 (1) The municipal officers may request the  
5 Department of Transportation, Bureau of  
6 Project Development, Construction Division,  
7 to inspect the borrow pit in place of the  
8 municipal inspection. The Construction  
9 Division shall conduct an inspection of the  
10 borrow pit in question when requested to do  
11 so by the municipal officers.

12 C. The person or persons conducting the  
13 inspection shall report their findings to the  
14 municipal officers, the abutting landowner  
15 initiating the request and the owner of the borrow  
16 pit. Measurements shall be made from the property  
17 line designated by the abutting property owner  
18 initiating the request.

19 D. If the borrow pit is in violation of this  
20 subsection, the owner is liable for the cost of  
21 the inspection. If the borrow pit is not in  
22 violation of this subsection, the abutting  
23 landowner who made the request is liable for the  
24 cost of the inspection.

25 E. Upon notification of any violation under this  
26 subsection, the owner of the borrow pit shall  
27 bring the borrow pit into compliance with this  
28 subsection within 60 days. The municipal officers  
29 may require a shorter compliance period if they  
30 find that the violation poses an imminent danger  
31 to public safety or private property.

32 F. Any owner of a borrow pit who fails to bring  
33 the borrow pit into compliance with this  
34 subsection is subject to a civil penalty not to  
35 exceed \$50 per day for every day elapsing after  
36 the expiration of the compliance schedule  
37 established under paragraph E, payable to the  
38 municipality in which the borrow pit is located,  
39 to be recovered in a civil action brought by the  
40 municipality.

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1           2. Municipal jurisdiction. A municipality may  
2 enact ordinances under its home rule authority  
3 regulating the siting, construction or operation of  
4 borrow pits not within the jurisdiction of the  
5 Department of Environmental Protection, under Title  
6 38, chapter 3, subchapter I, article 6. The ordinance  
7 must, at a minimum, include the requirements of  
8 subsection 1, paragraph A, but may include standards  
9 which exceed those requirements.'

10           Further amend the bill in Part A in section 2 by  
11 striking out all of "§3155." and inserting in its  
12 place the following:

13 '§3155. Municipal liability; demolished buildings

14           If the pulling down or demolition of any structure  
15 or appurtenance, except that in which the fire  
16 originated, is used to stop the spread of fire, the  
17 owner of that structure or appurtenance may recover  
18 reasonable compensation for its destruction from the  
19 municipality in a civil action.'

20           Further amend the bill in Part A in section 2 by  
21 striking out all of "§3291."

22           Further amend the bill in Part A in section 2 by  
23 renumbering "§3292." to be '§3291.'

24           Further amend the bill in Part A in section 2 in  
25 that part designated "§3421." in subsection 2 in the  
26 4th line (page 308, line 1 in L.D.) by striking out  
27 the following: "the person's" and inserting in its  
28 place the following: 'their'

29           Further amend the bill in Part A in section 2 in  
30 that part designated "§3421." in subsection 3 in the  
31 3rd line (page 308, line 8 in L.D.) by striking out  
32 the following: "the person's" and inserting in its  
33 place the following: 'their'

34           Further amend the bill in Part A in section 2 in  
35 that part designated "§3427." in the 4th line (page  
36 310, line 35 in L.D.) by striking out the following:  
37 "disconnect the" and inserting in its place the  
38 following: 'disconnect their'

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1 Further amend the bill in Part A in section 2 in  
2 that part designated "§3442." in subsection 4 in  
3 paragraph A in subparagraph (2) in the 2nd line (page  
4 314, line 35 in L.D.) by striking the following:  
5 "having" and inserting in its place the following: 'of'

6 Further amend the bill in Part A in section 2 in  
7 that part designated "§3701." in the first paragraph  
8 in the last line (page 341, line 4 in L.D.) by  
9 striking out the following: "laws" and inserting in  
10 its place the following: 'law'

11 Further amend the bill in Part A in section 2 in  
12 that part designated "§3702." in the first paragraph  
13 in the 3rd line (page 341, line 8 in L.D.) by  
14 inserting after the underlined word "permit" the  
15 following: 'under this subpart'

16 Further amend the bill in Part A in section 2 in  
17 that part designated "§3757." in the first paragraph  
18 in the 2nd line (page 345, line 31 in L.D.) by  
19 striking out the following: "obrogating" and  
20 inserting in its place the following: 'abrogating'

21 Further amend the bill in Part A in section 2 in  
22 that part designated "§4101." by striking out all of  
23 subsection 3 and inserting in its place the following:

24 '3. Sanitation and parking facilities for mobile  
25 homes and travel trailers. The sanitation and parking  
26 facilities for mobile homes, travel trailers intended  
27 to be used for human habitation and travel trailer  
28 parking facilities;'

29 Further amend the bill in Part A in section 2 in  
30 that part designated "§4102." in the first paragraph  
31 in the first line (page 366, line 14 in L.D.) by  
32 inserting after the following: "structure," the  
33 following: 'travel'

34 Further amend the bill in Part A in section 2 in  
35 that part designated "§4201." in subsection 4 in the  
36 2nd line (page 375, line 12 in L.D.) by inserting  
37 after the underlined word "which" the following:  
38 'existed on December 31, 1981, and which'

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1 Further amend the bill in Part A in section 2 in  
2 that part designated "§4211." in subsection 3 in  
3 paragraph B in the 4th line (page 377, line 13 in  
4 L.D.) by striking out the following: "has a notice of  
5 the documentation" and inserting in its place the  
6 following: 'a notice of the documentation is'

7 Further amend the bill in Part A in section 2 in  
8 that part "§4212." in subsection 3 in the 4th line  
9 (page 379, line 1 in L.D.) by inserting after the  
10 underlined word "and" the following: 'shall'

11 Further amend the bill in Part A in section 2 by  
12 striking out all of that part designated "§4216." and  
13 inserting in its place the following:

14 '§4216. Transfers of shoreland property

15 1. Statement and documentation required. Any  
16 person transferring property on which a subsurface  
17 waste water disposal system is located within a  
18 shoreland area, as defined in Title 38, section 435,  
19 shall provide the transferee with a sworn statement at  
20 the time of transfer certifying with any necessary  
21 written documentation that:

22 A. The disposal system has been inspected within  
23 the preceding 180 days by a person licensed under  
24 Title 22, section 42, who shall report any  
25 findings and provide any documentation as required  
26 by rules adopted by the Department of Human  
27 Services; and

28 B. At least one of the following conditions has  
29 been met:

30 (1) The disposal system has received a  
31 permit and certificate of approval from an  
32 individual licensed under section 4221;

33 (2) The subsurface waste water disposal  
34 system has been replaced by a connection to  
35 an approved sanitary sewer; or

36 (3) The transferor provides documentation of



1           an application and any necessary departmental  
2           approval as specified in the Maine State  
3           Plumbing Code that, in the event of a future  
4           malfunction of the existing system, a  
5           replacement subsurface waste water disposal  
6           system can be installed to serve the existing  
7           level of use.

8           2. Rulemaking. The Department of Human Services  
9           shall adopt rules to implement this section on or  
10          before June 1, 1988. The rules shall govern the scope  
11          of the inspection necessary for compliance, the  
12          findings necessary and the content and distribution of  
13          the documentation required. At a minimum, the rules  
14          shall provide for inspections sufficient to determine  
15          whether or not the system is in compliance with the  
16          Maine State Plumbing Code. The department shall send  
17          copies of the proposed rules to all persons licensed  
18          under Title 22, section 42.

19          3. Application. The requirements of this section  
20          for transfers of property in the shoreland area apply  
21          to transfers on or after June 1, 1988.'

22          Further amend the bill in Part A in section 2 in  
23          that part designated "§4504." by adding at the end the  
24          following:

25          '5. Variance recorded. If the board grants a  
26          variance under this section, a certificate indicating  
27          the name of the current property owner, identifying  
28          the property by reference to the last recorded deed in  
29          its chain of title, and indicating the fact that a  
30          variance, including any conditions on the variance,  
31          has been granted and the date of the granting shall be  
32          prepared in recordable form. The variance recipient  
33          must record this certificate in the local registry of  
34          deeds within 30 days of final approval of the variance  
35          or the variance is invalid. No rights may accrue to  
36          the variance recipient or the recipient's heirs,  
37          successors or assigns unless and until the recording  
38          is made within 30 days.'

39          Further amend the bill in Part A in section 2 in  
40          that part designated "§4551." in subsection 1 in  
41          paragraph A by striking out all of subparagraph (2)

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1 and inserting in its place the following:

2           '(2) If lots of 40 or more acres are located  
3           wholly or partly within any shoreland zone,  
4           municipal review may be required by the  
5           municipality, provided that the average lot  
6           depth to shore frontage ratio is greater than  
7           5 to one.'

8           Further amend the bill in Part A in section 2 in  
9           that part designated "§4552." in subsection 1 in the  
10          4th line from the end (page 409, line 28 in L.D.) by  
11          striking out the following: "estabilshing" and  
12          inserting in its place the following: 'establishing'

13          Further amend the bill in Part A in section 2 in  
14          that part designated "§4552." in subsection 2 in the  
15          first line (page 409, line 32 in L.D.) by striking out  
16          the underlined word "chapter" and inserting in its  
17          place the following: 'section'

18          Further amend the bill in Part A in section 2 in  
19          that part designated "§4552." in subsection 4 in  
20          paragraph A in the 2nd and 3rd lines (page 410, lines  
21          36 and 37 in L.D.) by striking out the following:  
22          "body authorized by the municipality to act as a  
23          zoning" and in the next to the last line (page 410,  
24          line 40 in L.D.) by striking out the underlined word  
25          "shall" and inserting in its place the following:  
26          'must'

27          Further amend the bill in Part A in section 2 in  
28          that part designated "§4553." in subsection 1 in  
29          paragraph A in subparagraph (1) in the next to the  
30          last line (page 413, line 15 in L.D.) by striking out  
31          the following: "and" and inserting in its place the  
32          following: 'or'

33          Further amend the bill in Part A in section 2 in  
34          that part designated "§4553." in subsection 1 in  
35          paragraph A in subparagraph (1) in subdivision (a) in  
36          the 3rd line (page 413, line 19 in L.D.) by striking  
37          out the underlined word "paragraph" and inserting in  
38          its place the following: 'subparagraph'

39          Further amend the bill in Part A in section 2 in

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1 that part designated "\$4553." by adding a new  
2 subsection 3 to read:

3 '3. Certification of payment of sales tax. No  
4 municipality may allow the construction or location of  
5 any manufactured housing within the municipality  
6 without:

7 A. Certification of payment of sales tax in  
8 accordance with Title 36, section 1760, subsection  
9 40; and Title 36, section 1952-B; and

10 B. A valid bill of sale indicating the name and  
11 address of the firm, corporation or person who  
12 sold or provided the manufactured housing to the  
13 buyer siting the housing in the municipality.

14 In municipalities which require any type of permit for  
15 manufactured housing, the permit is deemed to be not  
16 approved or valid until payment of the sales tax has  
17 been certified.'

18 Further amend the bill in Part A in section 2 in  
19 that part designated "\$4723." in subsection 1 in  
20 paragraph B in the 2nd line (page 441, line 7 in L.D.)  
21 by striking the underlined word "the" and inserting in  
22 its place the following: 'any'

23 Further amend the bill in Part A in section 2 in  
24 that part designated "\$4723." in subsection 2 in  
25 paragraph A in subparagraph (1) in the 5th line (page  
26 442, line 13 in L.D.) by striking out the underlined  
27 word "considered" and inserting in its place the  
28 following: 'the president considers'

29 Further amend the bill in Part A in section 2 in  
30 that part designated "\$4723." in subsection 2 in  
31 paragraph B in the 6th line (page 442, line 39 in  
32 L.D.) by striking out the following: "State  
33 Government" and inserting in its place the following:  
34 'economic development'

35 Further amend the bill in Part A in section 2 in  
36 that part designated "\$4723." in subsection 2 in  
37 paragraph C in the last 2 lines (page 445, lines 7 and  
38 8 in L.D.) by striking out the following: "State

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1 Government" and inserting in its place the following:  
2 'economic development'

3 Further amend the bill in Part A in section 2 in  
4 that part designated "§4723." in subsection 2 in  
5 paragraph C in subparagraph (3) in the 5th line (page  
6 445, line 27 in L.D.) by striking out the following:  
7 "required" and inserting in its place the following:  
8 'that the director requires'

9 Further amend the bill in Part A in section 2 in  
10 that part designated "§4723." in subsection 2 in  
11 paragraph C in subparagraph (3) in the next to the  
12 last line (page 445, line 30 in L.D.) by striking out  
13 the following: "considered" and inserting in its  
14 place the following: 'that the director considers'

15 Further amend the bill in Part A in section 2 in  
16 that part designated "§4724." in subsection 2 in the  
17 10th line (page 447, line 22 in L.D.) by striking out  
18 the following: "accepting" and inserting after the  
19 underlined word "employment" the following: 'is  
20 accepted' and in the 5th line from the end (page 447,  
21 line 25 in L.D.) by striking out the following: "may"

22 Further amend the bill in Part A in section 2 in  
23 that part designated "§4741." in subsection 14 in the  
24 2nd and 3rd lines from the end (page 453, lines 2 and  
25 3 in L.D.) by striking out the following: "Maine  
26 State Housing Authority" and inserting in its place  
27 the following: 'state housing'

28 Further amend the bill in Part A in section 2 in  
29 that part designated "§4871." by striking out all of  
30 subsection 6

31 Further amend the bill in Part A in section 2 in  
32 that part designated "§4871." by renumbering  
33 subsections 7 and 8 to be subsections 6 and 7

34 Further amend the bill in Part A in section 2 in  
35 that part designated "§4933." in subsection 4 in the  
36 last line (page 495, line 15 in L.D.) by striking out  
37 the following: "Indian Housing Authority" and  
38 inserting in its place the following: 'Maine Indian  
39 Housing law'

1 Further amend the bill in Part A in section 2 in  
2 that part designated "ARTICLE 8" by striking out the  
3 first line (page 497, line 21 in L.D.) and inserting  
4 in its place the following: 'SUBCHAPTER XI'

5 Further amend the bill in Part A in section 2 by  
6 striking out all of that part designated "§5602." and  
7 inserting in its place the following:

8 '§5602. Notice of choice of treasurer

9 When a treasurer is qualified and chosen, the  
10 clerk shall send the name of the treasurer to the  
11 Treasurer of State. The Treasurer of State shall not  
12 send money to any municipality until receiving the  
13 name of its treasurer.'

14 Further amend the bill in Part A in section 2 in  
15 that part designated "CHAPTER 223" by striking out all  
16 of subchapters I to III and inserting in their place  
17 the following:

18 'SUBCHAPTER I

19 GENERAL PROVISIONS

20 §5651. Determination of municipal year; change

21 The municipal officers shall determine the  
22 municipal fiscal year.

23 A municipality or plantation may raise one or 2  
24 taxes during a single valuation if the taxes raised  
25 are based on appropriations made for a municipal  
26 fiscal year that does not exceed 18 months. A  
27 municipal or plantation fiscal year may extend beyond  
28 the end of the current tax year and the municipal  
29 officers or assessors of a plantation, when changing  
30 the municipality's or plantation's fiscal year, may,  
31 for transition purposes, adopt one or more fiscal  
32 years not longer than 18 months each.

33 §5652. Donation of money

34 The municipal officers may accept a donation of  
35 money to the municipality to supplement a specific

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1 appropriation already made, to reduce the tax  
2 assessment or to reduce the permanent debt.

3 1. Reducing the tax assessment. If the assessors  
4 receive written notice from the municipal officers  
5 that a sum has been paid to the municipality for the  
6 purpose of reducing the tax assessment, they shall  
7 reduce it in that amount before establishing the tax  
8 rate. If the tax rate has already been established,  
9 the treasurer shall deposit the money in a bank, trust  
10 company or national bank in the State, and withdraw it  
11 at the proper time to reduce the tax assessment for  
12 the following taxable year.

13 §5653. Gifts of money or property in trust

14 This section governs a municipality's receipt of  
15 money or other property in trust for any specified  
16 public purpose. The municipal officers shall serve as  
17 trustees unless otherwise specified in the trust  
18 instrument.

19 1. Acceptance or rejection. When the municipal  
20 officers receive written notice from a prospective  
21 donor or a representative of a proposed trust, they  
22 shall submit the matter at the next meeting of the  
23 municipal legislative body. Within 10 days after the  
24 meeting, the municipal officers shall send written  
25 notice of its acceptance or rejection to the donor or  
26 the donor's representative.

27 2. Deposited or invested. Unless otherwise  
28 specified by the terms of the trust, the municipal  
29 officers shall either deposit or invest trust funds  
30 according to section subchapter III-A.

31 A. Unless the instrument or order creating the  
32 trust prohibits, the municipal officers may treat  
33 any 2 or more trust funds as a single fund solely  
34 for the purpose of investment.

35 B. After deducting management expenses, the  
36 municipal officers shall prorate any interest  
37 earned or capital gains realized among the various  
38 trust funds.

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1           C.     The municipal officers shall retain any  
2           property or securities included in the corpus of a  
3           trust fund where the trust instrument so provides.

4           D.     Unless otherwise specified in the trust  
5           instrument, the municipal officers may spend only  
6           the annual income from the trust fund.

7           3.    Reversion to donor. If the municipality fails  
8           to comply with the terms of the trust instrument, the  
9           trust fund reverts to the donor or the donor's heirs.

10       §5654. Conditional gifts

11           This section governs a municipality's receipt of a  
12           conditional gift for any specified public purpose.

13           1.    Acceptance or rejection. When the municipal  
14           officers receive written notice from a prospective  
15           donor or a representative of the proposed gift, they  
16           shall submit the matter at the next meeting of the  
17           municipal legislative body. Within 10 days after the  
18           meeting, the municipal officers shall send written  
19           notice of their acceptance or rejection to the donor  
20           or the donor's representative.

21           2.    Perpetually comply with conditions. When the  
22           donor or the donor's representative has completed the  
23           donor's part of the agreement concerning the execution  
24           of a conditional gift, the municipality shall  
25           perpetually comply with, and may raise money to carry  
26           into effect, the conditions upon which the agreement  
27           was made.

28           3.    Deposited or invested. Unless otherwise  
29           specified by its terms, a conditional gift of money  
30           may be deposited or invested according to section  
31           subchapter III-A.

32       §5655. Unconditional gifts

33           A gift without conditions, of any type of  
34           property, offered to a municipality shall be accepted  
35           or rejected by its legislative body.

36                               SUBCHAPTER II





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1 communities based upon the comparative tax burden of  
2 each municipality. Those municipalities having a  
3 greater property tax burden would receive a larger per  
4 capita revenue-sharing distribution.

5 The portion of the Local Government Fund to be  
6 distributed to each municipality shall be in  
7 proportion to the product of the population of the  
8 municipality multiplied by the property tax burden of  
9 the municipality.

10 5. Treasurer of State. An amount equal to 5.1%  
11 of the receipts from the taxes imposed under Title 36,  
12 Parts 3 and 8, and credited to the General Fund, plus  
13 an amount equal to \$237,000 of the receipts from the  
14 tax imposed under Title 36, Part 3, shall be  
15 transferred by the Treasurer of State to the Local  
16 Government Fund on the first day of each month.

17 The Treasurer of State shall distribute the balance in  
18 the Local Government Fund on the 20th day of each  
19 month.

20 6. Plantations and unorganized territory. For  
21 purposes of state-municipal revenue sharing,  
22 plantations and the unorganized territory shall be  
23 treated as if they were municipalities.

24 SUBCHAPTER III

25 MUNICIPAL DEBT

26 §5701. Debt liability

27 The personal property of the residents and the  
28 real estate within the boundaries of a municipality,  
29 village corporation or other quasi-municipal  
30 corporation may be taken to pay any debt due from the  
31 body corporate. The owner of property taken under  
32 this section may recover from the municipality or  
33 quasi-municipal corporation under Title 14, section  
34 4953.

35 §5702. Limitation

36 No municipality may incur debt which would cause

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1 its total debt outstanding at any time, exclusive of  
2 debt incurred for school purposes, for storm or  
3 sanitary sewer purposes, for energy facility purposes  
4 or for municipal airport purposes to exceed 7 1/2% of  
5 its last full state valuation. A municipality may  
6 incur debt for school purposes to an amount  
7 outstanding at any time not exceeding 10% of its last  
8 full state valuation, for storm or sanitary sewer  
9 purposes to an amount outstanding at any time not  
10 exceeding 7 1/2% of its last full state valuation, and  
11 for municipal airport and special district purposes to  
12 an amount outstanding at any time not exceeding 3% of  
13 its last full state valuation; provided, however, that  
14 in no event may any municipality incur debt which  
15 would cause its total debt outstanding at any time to  
16 exceed 15% of its last full state valuation.

17 For the purposes of this section, full state  
18 valuation shall mean the state valuation most recently  
19 certified by the State Tax Assessor pursuant to Title  
20 36, section 381, adjusted to 100%.

21 If a particular loan is or has been incurred by a  
22 municipality for school, storm or sanitary sewer,  
23 municipal airport, water and other purposes, or any  
24 combination thereof, the treasurer of the municipality  
25 shall make and maintain records showing the  
26 proportion, if any, of such loan incurred for school  
27 purposes, for storm or sanitary sewer purposes, for  
28 municipal airport purposes, for water purposes and for  
29 other purposes and the same proportions shall be  
30 applied to each maturity of such loan.

31 §5703. Exclusion

32 The limitations on municipal debt in section 5061  
33 shall not be construed as applying to any funds  
34 received in trust by any municipality, any loan which  
35 has been funded or refunded, notes issued in  
36 anticipation of federal or state aid or revenue  
37 sharing money, tax anticipation loans, notes maturing  
38 in the current municipal year, indebtedness of  
39 entities other than municipalities, indebtedness of  
40 any municipality to the Maine School Building  
41 Authority, debt issued under chapter 235 and Title 10,  
42 chapter 110, subchapter IV, obligations payable from

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1 revenues of the current municipal year or from other  
2 revenues previously appropriated by or committed to  
3 the municipality, and the state reimbursable portion  
4 of school debt. The limitations on municipal debt set  
5 forth in section 5061 do not apply to obligations  
6 incurred by one or more municipalities pursuant to  
7 Title 38, section 1304-B, with respect to solid waste  
8 facilities, which obligations are regulated in the  
9 manner set forth in Title 38, section 1304-B.

10 For the purpose of this section, the state  
11 reimbursable portion of school debt with respect to  
12 any municipality shall be the sum of the amounts  
13 determined by multiplying: The outstanding amount of  
14 each issue of debt incurred for school purposes by the  
15 municipality in connection with a project which  
16 qualifies for state school construction aid; and the  
17 percentage of the capital outlay costs of such project  
18 which was applicable to determine the amount of state  
19 school construction aid therefor pursuant to Title 20,  
20 at the time such project was approved for such state  
21 school construction aid. The certificate of the  
22 Commissioner of Educational and Cultural Services that  
23 a project qualifies for state school construction aid  
24 and as to the percentage of such aid to which a  
25 municipality was so entitled shall be conclusive  
26 evidence of the facts stated therein.

27 §5704. Reporting by special districts

28 Each special district in the State, whether or not  
29 its boundaries are coterminous with the boundaries of  
30 a municipality, including districts established for  
31 the purposes of providing water, sewer, electric,  
32 educational, health, transportation, solid waste  
33 management, parking or recreation services, or any  
34 other public purpose, shall file an annual report of  
35 its total outstanding debt.

36 1. Content. These reports shall include debts by:

37 A. Amount;

38 B. Purpose;

39 C. Creditors;

1           D. Date incurred;

2           E. Interest rate;

3           F. Amortization period;

4           G. Amount of annual principal payments and annual  
5           interest payments; and

6           H. Assessments and contributions received from  
7           municipalities in the district to service the  
8           debts.

9           2. Filing; public records. The reports shall be  
10           filed within 45 days of the end date of each fiscal  
11           year. The reports shall be filed with the Maine  
12           Municipal Bond Bank upon forms provided by it.  
13           Information reported under this section is a public  
14           record.

15                               SUBCHAPTER III-A

16                               MUNICIPAL INVESTMENTS

17                               ARTICLE I

18                               GENERAL INVESTMENTS

19           §5706. Deposit or investment of funds

20           As directed by the municipal officers, the  
21           treasurer shall invest all municipal funds, including  
22           reserve funds and trust funds, to the extent that the  
23           terms of the instrument, order or article creating the  
24           fund do not prohibit the investment, as follows:

25           1. Financial institutions. In accounts or  
26           deposits of institutions insured by the Federal  
27           Deposit Insurance Corporation, the Federal Savings and  
28           Loan Insurance Corporation, the National Credit Union  
29           Share Insurance Fund or the successors to these  
30           federal agencies.

31           A. Accounts and deposits exceeding an amount  
32           equal to 25% of the capital, surplus and undivided

1 profits of any trust company or national bank or a  
2 sum exceeding an amount equal to 25% of the  
3 reserve fund and undivided profit account of a  
4 mutual savings bank or state or federal savings  
5 and loan association on deposit at any one time  
6 shall be secured by the pledge of certain  
7 securities as collateral, or fully covered by  
8 insurance.

9 (1) The collateral shall be in an amount  
10 equal to the excess deposit. The municipal  
11 officers shall determine the value of the  
12 pledged securities on the basis of market  
13 value and shall review the value of the  
14 pledged securities on the first business day  
15 of January and July of each year.

16 (2) The collateral shall only consist of  
17 securities in which municipalities may  
18 invest, as provided in article 2. The  
19 securities shall be held in a depository  
20 institution approved by the municipal  
21 officers and pledged to indemnify the  
22 municipalities against any loss. The  
23 depository institution shall notify the  
24 municipal officers of the pledging when the  
25 securities are deposited and shall mail a  
26 copy of the notice to the Department of Audit;

27 2. Repurchase agreements. In repurchase  
28 agreements secured by obligations of the Federal  
29 Government, provided that the market value of the  
30 underlying obligation is equal to or greater than the  
31 amount of the municipality's investment and that the  
32 municipality's security interest is perfected under  
33 the terms of Title 11, article 9;

34 3. Mutual funds. In the shares of an investment  
35 company registered under the United States Investment  
36 Company Act of 1940, Public Law 76-768, whose shares  
37 are registered under the United States Securities Act  
38 of 1933, Public Law 73-22, provided that the  
39 investments of the fund are limited to obligations of  
40 the Federal Government, or repurchase agreements  
41 secured by obligations of the Federal Government; or

1           4. Safekeeping and investment management  
2 agreements. The municipal officers may enter into an  
3 agreement with any financial institution with trust  
4 powers authorized to do business in the State for the  
5 safekeeping and investment of the reserve funds or  
6 trust funds of the municipality. Services shall  
7 consist of the safekeeping and investment management  
8 of the funds, collection of interest and dividends,  
9 periodic review of the portfolio investments and any  
10 other fiscal service which is normally covered in a  
11 safekeeping and investment agreement. In performing  
12 services under any contract or agreement, the  
13 contracting bank has all the powers and duties  
14 prescribed for trust companies by Title 9-B, section  
15 623, and the authority to invest funds on behalf of  
16 the municipality under the rule of prudence, Title  
17 18-A, section 7-302. The contracting bank shall give  
18 assurance of proper safeguards, which are usual to  
19 these contracts, and shall furnish insurance  
20 protection satisfactory to both parties.

21   ARTICLE 2

22   INVESTMENTS IN SECURITIES

23           §5711. Investments in general

24           Municipalities may hereafter invest their funds in  
25 securities in accordance with this article, subject to  
26 the conditions and limitations set forth in this  
27 article or the terms of the instrument, order or  
28 article creating the fund being invested. Limitations  
29 set forth in this article concerning the maximum  
30 amount which may be invested in a security or type of  
31 security shall apply only to an investment in that  
32 security or type of security which exceeds \$20,000.  
33 Investments made under this article shall be made by  
34 the treasurer upon direction of the municipal officers.

35           §5712. Government unit bonds

36           Municipalities may invest in:

37           1. United States and instrumentalities. The  
38 bonds and other obligations of the United States, or  
39 the bonds and other obligations or participation

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1 certificates issued by any agency, association,  
2 authority or instrumentality created by the United  
3 States Congress or any executive order;

4 2. States. The bonds and other obligations  
5 issued or guaranteed by any state or by any  
6 instrumentality or agency of any state, or by any  
7 political subdivision of any state, provided that the  
8 securities are rated within the 3 highest grades by  
9 any rating service approved by the Superintendent of  
10 Banking;

11 3. Maine. The bonds and other obligations issued  
12 or guaranteed by this State, or issued by any  
13 instrumentality or agency of this State, or any  
14 political subdivision of the State which is not in  
15 default on any of its outstanding funded obligations;  
16 and

17 4. Canada. The bonds and other obligations  
18 issued or guaranteed by the Dominion of Canada, or  
19 issued or guaranteed by any province, or political  
20 subdivision of a province, provided that the  
21 securities are rated within the 3 highest grades by  
22 any rating service approved by the Superintendent of  
23 Banking and are payable in United States funds.

24 §5713. Corporate securities

25 Municipalities may invest in:

26 1. Corporate bonds. The bonds and other  
27 obligations of any United States or Canadian  
28 corporation, provided that the securities are rated  
29 within the 3 highest grades by any rating service  
30 approved by the Superintendent of Banking and are  
31 payable in United States funds. Not more than 2% of  
32 the total assets of the permanent reserve fund,  
33 permanent trust fund or other permanent fund being  
34 invested may be invested in the securities of any one  
35 such corporation;

36 2. Maine corporate bonds. The bonds and other  
37 obligations of any Maine corporation, actually  
38 conducting in this State the business for which that  
39 corporation was created, which, for a period of 3

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1 successive fiscal years or for a period of 3 years  
2 immediately preceding the investment, has earned or  
3 received an average net income of not less than 2  
4 times the interest on the obligations in question and  
5 all prior liens or, in the case of water companies  
6 subject to the jurisdiction of the Public Utilities  
7 Commission, an average net income of not less than 1  
8 1/2 times the interest on the obligations in question  
9 and all prior liens. Not more than 20% of the total  
10 assets of the permanent reserve fund, permanent trust  
11 fund or other permanent fund being invested may be  
12 invested in these securities of Maine corporations and  
13 not more than 2% of that fund in the securities of any  
14 single corporation; and

15 3. Maine corporate stocks. Maine corporate  
16 stocks which have the following characteristics.

17 A. The stock of any Maine corporation, other than  
18 stock of a financial institution, actually  
19 conducting in this State the business for which  
20 that corporation was created, provided that the  
21 corporation has, for a period of 3 years  
22 immediately preceding the investment, earned and  
23 received an average net income after taxes  
24 equivalent to at least 6% upon the entire  
25 outstanding issue of the stock in question.

26 B. Not more than 10% of the deposits of the total  
27 assets of the permanent reserve fund, permanent  
28 trust fund or other permanent fund being invested  
29 may be invested under this section in stocks of  
30 Maine corporations and not more than 1% of the  
31 total assets of the permanent reserve fund,  
32 permanent trust fund or other permanent fund being  
33 invested may be so invested in the stock of any  
34 single corporation. The fund shall be invested in  
35 no more than 20% of the capital stock of any  
36 corporation.

37 §5714. Financial institution stock and other  
38 obligations

39 1. Municipalities may invest in:

40 A. The debentures of any financial institution



1 authorized to do business within this State,  
2 incorporated under the laws of this State or the  
3 United States and of any financial institution  
4 holding company, provided that the holding company  
5 is registered under the United States Bank Holding  
6 Company Act of 1956, as amended, or the National  
7 Housing Act, Section 408, as amended;

8 B. The capital stock, preferred stock, debentures  
9 and acceptances of any insured bank not having an  
10 office in this State which has total capital and  
11 reserves of at least \$50,000,000 and of any bank  
12 holding company whose subsidiary banks have total  
13 capital and reserves of at least \$50,000,000,  
14 provided that the holding company is registered  
15 under the United States Bank Holding Company Act  
16 of 1956;

17 C. Capital notes or debentures issued by any  
18 municipalities chartered under the laws of any  
19 state, or of the United States, or of the  
20 Commonwealth of Puerto Rico, notwithstanding the  
21 fact that these notes or debentures may be  
22 subordinate to the claims of depositors or other  
23 creditors of the issuing institution. Not more  
24 than 1% of the total assets of the permanent  
25 reserve fund, permanent trust fund or other  
26 permanent fund being invested may be so invested;  
27 and

28 D. Obligations issued, assumed or guaranteed by  
29 the International Bank for Reconstruction and  
30 Development or the Inter-American Development Bank  
31 or the African Development Bank.

32 2. Limitations. A municipality shall not acquire  
33 or hold stock and obligations described in subsection  
34 1 in excess of 30% of the total assets of the reserve  
35 fund, permanent trust fund or other permanent fund  
36 being invested; nor shall it acquire or hold stock and  
37 obligations of any one bank or holding company not  
38 operating in this State in excess of 5% of the total  
39 assets of the reserve fund, permanent trust fund or  
40 other permanent fund being invested; nor shall any  
41 such fund be invested in that stock in excess of 10%  
42 of the capital stock of any one bank or holding

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- 1 company.
- 2 §5715. Other stock investments
- 3 Municipalities may invest in:
- 4 1. Preferred stock of public utilities. The  
5 preferred stock of any public corporation if all of  
6 the publicly issued bonds of the corporation qualify  
7 as legal investments under section 5713, subsection 1  
8 or 2. Not more than 10% of the permanent reserve  
9 fund, permanent trust fund or other permanent fund  
10 being invested may be invested in preferred stocks of  
11 public utilities, and not more than 1% of any such  
12 fund may be invested in the preferred stocks of any  
13 one corporation;
- 14 2. Bonds of nonprofit organizations. The bonds  
15 or other interest-bearing obligations of any  
16 religious, charitable, educational or fraternal  
17 association or corporation. Not more than 10% of the  
18 total assets of the permanent reserve fund, permanent  
19 trust fund or other permanent fund being invested may  
20 be invested in securities coming within the coverage  
21 of this subsection, and not more than 1% of the total  
22 assets of the permanent reserve fund, permanent trust  
23 fund or other permanent fund being invested may be  
24 invested in securities of any one such association or  
25 corporation;
- 26 3. Small business investment companies. The  
27 stock of small business investment companies licensed  
28 under the United States Small Business Investment Act  
29 of 1958, as amended, and commercially domiciled in  
30 Maine and doing business primarily in Maine. Not more  
31 than 1% of the total assets of the permanent reserve  
32 fund, permanent trust fund or other permanent fund  
33 being invested may be invested in the stock of small  
34 business investment companies and any such fund shall  
35 not be invested in more than 10% of the stock of any  
36 one small business investment company; and
- 37 4. Maine Capital Corporation. The stock of the  
38 Maine Capital Corporation, established under Title 10,  
39 chapter 108, in an amount not to exceed 1% of the  
40 total assets of the permanent reserve fund, permanent

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1 trust fund or other permanent fund being invested.

2 §5716. Other prudent securities

3 Municipalities may invest in such securities as  
4 the municipal officers consider to be sound, prudent  
5 investments, the making of which would not otherwise  
6 be legal but for this section. Not more than 10% of  
7 the total assets of the permanent reserve fund,  
8 permanent trust fund or other permanent fund being  
9 invested may be invested in securities within the  
10 coverage of this section and investments in the stock  
11 of the State's financial institutions shall not be  
12 considered within this section. This section does not  
13 limit the authority of municipalities to invest in  
14 securities specifically regulated by this article;  
15 rather, this section gives additional authority to  
16 invest 10% in any type of prudent security.

17 §5717. Retention of unauthorized securities

18 Municipalities may acquire and hold securities not  
19 authorized by law, but which have been acquired in  
20 settlements, reorganizations, recapitalizations,  
21 mergers, consolidations, by receipt of stock dividends  
22 or the exercise of rights applicable to securities  
23 held by the municipalities and may continue to hold  
24 these securities at the discretion of the municipal  
25 officers. Municipalities may continue to hold at the  
26 discretion of the municipal officers securities under  
27 authorization of law.'

28 Further amend the bill in Part A in section 2 in  
29 that part designated "§5722." in subsection 6 by  
30 striking out the following: " This liability may  
31 not exceed the limits of the insurance coverage or  
32 \$100,000, whichever is greater"

33 Further amend the bill in Part A in section 2 in  
34 that part designated "§5726." in subsection 5 in  
35 paragraph B in the 3rd line (page 604, line 26 in  
36 L.D.) by inserting before the underlined word  
37 "legislative" the following: 'municipal'

38 Further amend the bill in Part A in section 2 in  
39 that part designated "§5802." in subsection 1 in the

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1 last line (page 612, line 19 in L.D.) by striking out  
2 the following: "section 5652" and inserting in its  
3 place the following: "subchapter III-A"

4 Further amend the bill in Part A in section 2 in  
5 that part designated "§5823." in the first paragraph  
6 in the 3rd line from the end (page 614, line 1 in  
7 L.D.) by striking out the following: "election or  
8 engagement" and inserting in its place the following:  
9 'auditor is elected or engaged'

10 Further amend the bill in Part A in section 2 in  
11 that part designated "§5823." in subsection 1 in the  
12 next to the last line (page 614, line 18 in L.D.) by  
13 striking out the underlined word "village" and  
14 inserting in its place the following:  
15 'quasi-municipal' and in the last line (page 614, line  
16 19 in L.D.) by striking out the following: "of the"  
17 and inserting in its place the following: 'of this'

18 Further amend the bill in Part A in section 2 in  
19 that part designated "§5826." in subsection 2 in the  
20 first line (page 616, line 13 in L.D.) by striking out  
21 the underlined word "the" and inserting in its place  
22 the following: 'his'

23 Further amend the bill in Part A in section 2 in  
24 that part designated "§5951." in subsection 2 in  
25 paragraph A by striking out all of subparagraph (1)  
26 and inserting in its place the following:

27 '(1) The Treasurer of State may designate  
28 the Deputy Treasurer of State to serve in  
29 place of the Treasurer of State;'

30 Further amend the bill in Part A in section 2 in  
31 that part designated "§5951." in subsection 6 in the  
32 last line (page 621, line 29 in L.D.) by striking out  
33 the underlined word "performed" and inserting in its  
34 place the following: 'performing'

35 Further amend the bill in Part A in section 2 in  
36 that part designated "§6014." in the 2nd paragraph in  
37 the 3rd line (page 640, line 19 in L.D.) by striking  
38 out the underlined words "Treasurer's of State" and  
39 inserting in its place the following: 'treasurer's'

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1 Further amend the bill in Part A in section 2 in  
2 that part designated "§6106." in subsection 2 in the  
3 3rd line (page 650, line 21 in L.D.) by striking out  
4 the underlined word "man" and inserting in its place  
5 the following: 'person'

6 Further amend the bill in Part A in section 2 in  
7 that part designated "§6111." in subsection 3 in the  
8 11th and 12th lines (page 654, lines 27 and 28 in  
9 L.D.) by striking out the following: ", and if no  
10 newspaper is circulated in that county, then in the  
11 state paper,"

12 Further amend the bill in Part A in section 2 in  
13 that part designated "§6112." in subsection 4 in the  
14 next to the last line (page 656, line 14 in L.D.) by  
15 striking the underlined word "the" and inserting in  
16 its place the underlined word 'a' and in the last line  
17 (page 656, line 15 in L.D.) by striking the underlined  
18 word "the" and inserting in its place the underlined  
19 word "any"

20 Further amend the bill in Part A in section 2 in  
21 the part designated "§7004." in subsection 2 in the  
22 next to the last line by striking out the following  
23 underlined word: "choose" and inserting in its place  
24 the underlined word 'appoint' and in the last line  
25 (page 660, line 16 in L.D.) by striking out the  
26 underlined words "as selectmen of towns do"

27 Further amend the bill in Part A in section 2 by  
28 striking out all those parts designated "§§7006 and  
29 7007" and inserting in their place the following:

30 '§7006. Town law applies to officials and employees

31 1. Plantation meetings, officials and employees.  
32 The following provisions apply to plantations and  
33 their officials and employees, as far as applicable,  
34 except when specifically provided otherwise:

35 A. Laws relating to calling, notifying and  
36 conducting town meetings; and

37 B. Laws relating to the election, appointment,

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1 hiring, qualification, duties, powers,  
2 compensation, liabilities and penalties for  
3 official neglect and misconduct of town officials  
4 and employees.

5 2. Unlawful voting. Voters in plantations are  
6 liable to the same penalties for unlawful voting as  
7 voters in towns.

8 §7007. Duties of officials

9 Assessors of plantations shall be considered the  
10 selectmen of the plantation for the purpose of  
11 performing the duties performed by the selectmen of  
12 towns. Treasurers, collectors and constables of  
13 plantations must give the same bond as similar  
14 officials of towns are required to give, to be  
15 approved in the same manner. The valuation of  
16 property for the assessment of taxes in plantations,  
17 as well as the assessment, collection and disposal of  
18 taxes, shall be the same as in towns.'

19 Further amend the bill in Part A in section 2 in  
20 that part designated "§7060." in subsection 1,  
21 paragraph A in the last line (page 665, line 36 in  
22 L.D.) by striking out the underlined word "and"

23 Further amend the bill in Part A in section 2 in  
24 that part designated "§7060." in subsection 1 in  
25 paragraph B in subparagraph (3) in the last line (page  
26 666, line 33 in L.D.) by striking out the following:  
27 "entrance." and inserting in its place the following:  
28 'entrance; and'

29 Further amend the bill in Part A in section 2 in  
30 that part designated "§7060." in subsection 1 by  
31 adding at the end a new paragraph C to read:

32 'C. Requiring persons, firms, corporations or any  
33 other organizations which intend to construct or  
34 locate manufactured housing, as defined in section  
35 4553, subsection 1, in the plantation to provide:

36 (1) Certification of payment of sales tax in  
37 accordance with Title 36, section 1760,  
38 subsection 40; and Title 36, section 1952-B;

1           and

2           (2) A valid bill of sale indicating the name  
3           and address of the person, firm or  
4           corporation which sold or provided the  
5           manufactured housing to the buyer who intends  
6           to locate the housing in the plantation.

7           In any plantation for which a permit for  
8           manufactured housing is required, the permit is  
9           deemed to be not approved or valid until payment  
10           of the sales tax has been certified with the  
11           assessors or the Maine Land Use Regulation  
12           Commission.'

13           Further amend the bill in Part A in section 2 by  
14 adding after that part designated "§7060." the  
15 following:

16           '§7061. Land taken for parks, squares, open areas,  
17           public libraries and playgrounds

18           A plantation may acquire real estate or easements  
19           by using the condemnation procedure for town ways, as  
20           provided in Title 23, chapter 304, subject to the  
21           following provisions. The limitations set forth in  
22           this section do not apply to any taking authorized by  
23           any other law.

24           1. Purposes. A plantation may acquire real  
25           estate or easements under this section for the  
26           following purposes:

27           A. Public park;

28           B. Squares;

29           C. Open areas, as defined in section 2001,  
30           subsection 13;

31           D. Playgrounds;

32           E. Buildings for plantation purposes; or

33           F. A public library building.

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1           2. Limitation on use. Except as provided in  
2 paragraph A, land taken under this section may not be  
3 used for any purpose other than the purposes for which  
4 it was originally taken.

5           A. Land in any plantation which is taken for a  
6 public park, by authority of a majority vote of  
7 the plantation, may be conveyed to the Federal  
8 Government to become part of a national park.

9           3. Consent of owner required. A plantation may  
10 not take any land without the consent of the owner if  
11 at the time of the taking the land is occupied by a  
12 dwelling house in which the owner or the owner's  
13 family resides.'

14           Further amend the bill in Part A in section 2 in  
15 that part designated "§7501." in subsection 3 in the  
16 2nd line (page 673, line 2 in L.D.) by inserting after  
17 the underlined word "maintenance" the following: 'of  
18 roads and bridges' and in the 2nd and 3rd lines (page  
19 673, lines 2 and 3 in L.D.) by striking out the  
20 underlined words "on roads and bridges"

21           Further amend the bill in Part A in section 2 in  
22 that part designated "§7501." in subsection 5 in the  
23 last line (page 673, line 15 in L.D.) by striking out  
24 the following: "and"

25           Further amend the bill in Part A in section 2 in  
26 that part designated "§7501." in subsection 6 in the  
27 last line (page 673, line 18 in L.D.) by striking out  
28 the following: "State." and inserting in its place  
29 the following: 'State; and'

30           Further amend the bill in Part A in section 2 in  
31 that part designated "§7501." by inserting at the end  
32 a new subsection 7 to read:

33           '7. Law enforcement. Law enforcement.'

34           Further amend the bill in Part A in section 2 in  
35 that part designated "§7502." in subsection 5 in the  
36 3rd line (page 674, line 16 in L.D.) by inserting  
37 after the following: "\$25,000" the following:  
38 'annually'



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1 Further amend the bill in Part B in section 1 in  
2 that part designated "§9094." in subsection 1 in the  
3 2nd line (page 677, line 5 in L.D.) by inserting after  
4 the underlined word "park" the following: 'owner or  
5 operator' and in the next to the last line (page 677,  
6 line 15 in L.D.) by inserting after the underlined  
7 word "park" the following: 'owner or operator'

8 Further amend the bill in Part B in section 1 in  
9 that part designated "§9094." in subsection 2 in the  
10 first line (page 677, line 17 in L.D.) by inserting  
11 after the underlined word "home" the following: 'park'

12 Further amend the bill in Part B in section 1 in  
13 that part designated "§9097." in subsection 2 in  
14 paragraph B in the 4th line (page 680, line 8 in L.D.)  
15 by striking out the following: "In the event that"  
16 and inserting in its place the following: 'If'

17 Further amend the bill in Part B in section 2 in  
18 that part designated "§581." in subsection 3 in  
19 paragraph B in subparagraph (1) in the first line  
20 (page 688, line 8 in L.D.) by inserting after the  
21 underlined word "newspaper" the following: 'of  
22 general circulation'

23 Further amend the bill in Part B in section 2 in  
24 that part designated "§583." in subsection 2 in  
25 paragraph A in the first line (page 689, line 21 in  
26 L.D.) by inserting after the underlined word  
27 "newspaper" the following: 'of general circulation'

28 Further amend the bill in Part C in section 24 in  
29 that part designated "§1223." in the 5th line (page  
30 715, line 18 in L.D.) by striking out the following:  
31 "section 5652" and inserting in its place the  
32 following: 'chapter 223, subchapter III-A'

33 Further amend the bill in Part C in section 25 in  
34 that part designated "§1261." in the first paragraph  
35 in the last line (page 715, line 34 in L.D.) by  
36 striking out the following: "section 5652" and  
37 inserting in its place the following: 'chapter 223,  
38 subchapter III-A'

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1 Further amend the bill in Part C in section 26 in  
2 that part designated "§3165." in the first paragraph  
3 in the last line (page 716, line 2 in L.D.) by  
4 striking out the following: "section 5652" and  
5 inserting in its place the following: 'chapter 223,  
6 subchapter III-A'

7 Further amend the bill in Part C in section 39 in  
8 paragraph B in the last line (page 723, line 6 in  
9 L.D.) by striking out the following: "section 5652"  
10 and inserting in its place the following: 'chapter  
11 223, subchapter III-A'

12 Further amend the bill in Part C in section 40 in  
13 paragraph C in subparagraph (3) in the last line (page  
14 724, line 7 in L.D.) by striking out the following:  
15 "section 5652" and inserting in its place the  
16 following: 'chapter 223, subchapter III-A'

17 Further amend the bill in Part C in section 42 in  
18 subsection 2 in the last line (page 724, line 28 in  
19 L.D.) by striking out the following: "section 5652"  
20 and inserting in its place the following: 'chapter  
21 223, subchapter III-A'

22 Further amend the bill in Part C in section 50 in  
23 paragraph B in the last line (page 727, line 27 in  
24 L.D.) by striking out the following: "section 5652"  
25 and inserting in its place the following: 'chapter  
26 223, subchapter III-A'

27 Further amend the bill in Part C in section 63 in  
28 paragraph F in the 4th line from the end (page 732,  
29 line 11 in L.D.) by striking out the following: "132"  
30 and inserting in its place the following: '1321'

31 Further amend the bill in Part C in section 70 in  
32 paragraph B in the next to the last line (page 734,  
33 line 36 in L.D.) by striking out the following:  
34 "officer" and inserting in its place the following:  
35 'officer commissioner'

36 Further amend the bill in Part C in section 99 in  
37 subsection 5 in the 10th line (page 752, line 38 in  
38 L.D.) by striking the following: "section 5652" and  
39 inserting in its place the following: 'chapter 223,

1 subchapter III-A'

2 Further amend the bill in Part C by striking out  
3 all of section 105 and inserting in its place the  
4 following:

5 'Sec. 105. Legislative intent. It is the  
6 intent of the Legislature that this Act shall be  
7 considered a revision of certain laws governing state  
8 and local government and shall not in any way be  
9 considered to change or revise the meaning or intent  
10 of those laws.'

11 STATEMENT OF FACT

12 This amendment corrects several technical errors  
13 in the original bill. Many of these errors were the  
14 result of legislation which amended the Maine Revised  
15 Statutes, Title 30, after the recodification bill was  
16 drafted and printed. This amendment includes the  
17 changes made by those laws and writes them into the  
18 new Title 30-A. Other changes were made to rewrite  
19 laws in gender-neutral language and to clarify further  
20 existing law. For example, the amendment makes the  
21 following changes to the bill:

22 1. Clarifies the limited, advisory nature of the  
23 Aroostook County Budget Committee;

24 2. Provides a definition for "public sewer" and  
25 "public drain;"

26 3. Clarifies that stickers may not be used to  
27 vote for a write-in candidate in a municipal election;

28 4. Restructures the municipal investment sections  
29 to achieve greater clarity;

30 5. Expressly recognizes that plantations are  
31 eligible for state revenue-sharing funds as are  
32 municipalities and the unorganized territory;

33 6. Corrects an ambiguous reference to plantation  
34 "officers" to clarify that the laws that apply to town  
35 officials and employees also apply to plantation

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1 officials and employees; and

2 7. Amends the statement of legislative intent to  
3 emphasize that no substantive change in the law is  
4 intended by this bill.

5

5369040688

Filed by Rep. Carroll of Gray

Reproduced and distributed under the direction of the Clerk of the  
House

4/14/88

(Filing No. H-715)