

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

Any sheriff, deputy sheriff, municipal or state police officer, if he has probable cause to believe that a person has unlawfully concealed merchandise, may arrest such person without a warrant, whether or not such concealment was committed in his presence.

Effective October 1, 1975

CHAPTER 544

AN ACT Relating to Contracts of Teachers with Municipalities.

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

Sec. 1. 30 MRSA § 2251, sub-§ 2, as last amended by PL 1973, c. 785, § 3, is repealed and the following enacted in place thereof:

2. **Contracts.** A contract, other than a contract obtained through properly advertised bid procedures, made by a municipality, county or quasi-municipal corporation during the term of an official of a body of the municipality, county or quasi-municipal corporation involved in the negotiation or award of the contract who has a direct or an indirect pecuniary interest in it is voidable, except as provided in subsection 4.

Sec. 2. 30 MRSA § 2251, sub-§ 4, as last reenacted by PL 1973, c. 785, § 4, is amended by adding the following new paragraph at the end:

This subsection shall not prohibit a member of a city or town council or a member of a quasi-municipal corporation who is a teacher from making or renewing a teacher employment contract with the municipality or quasi-municipal corporation for which he serves.

Effective October 1, 1975

CHAPTER 545

AN ACT to Revise An Act Relating to Property Taxation which was Enacted by the 106th Legislature.

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

Sec. 1. 30 MRSA § 2060, sub-§ 5, ¶ E is enacted to read:

E. This subsection shall not apply in any municipality which is incorporated into a primary assessing area.

Sec. 2. 36 MRSA § 291, first ¶, as repealed and replaced by PL 1969, c. 502, § 3, is amended to read:

There is hereby established a Municipal Valuation Appeals Board to which a municipality may appeal from the equalized valuation determined by the State Tax Assessor Bureau of Taxation's determination of equalized valuation or minimum assessing standards when the municipality feels aggrieved by such valuation determination.

Sec. 3. ~~36~~ MRSA § 292, as repealed and replaced by PL 1969, c. 502, § 3, is amended to read:

§ 292. Duties, procedures

The Municipal Valuation Appeals Board shall hear appeals by any municipality deeming itself aggrieved by the ~~state valuation of the State Tax Assessor~~ Bureau of Taxation's determination of equalized valuation or minimum assessing standards and render its decision based upon the recorded evidence.

Any municipality deeming itself aggrieved shall file a written notice of appeal with the board within 30 days of notification of the ~~valuation by the State Tax Assessor~~ Bureau of Taxation's decision. The appeal to the board shall be in writing signed by a majority of the municipal officers, and shall be accompanied by an affidavit stating the grounds for appeal. ~~A copy of the appeal and affidavit shall be served on the State Tax Assessor.~~ The municipality appealing shall have the burden of proving that the valuation established by the State Tax Assessor is erroneous with respect to that municipality. A copy of the appeal and affidavit shall be served on the Bureau of Taxation and the bureau shall have the burden of proving that its determination is correct with respect to that municipality.

The board shall hear such an appeal within a reasonable time of the filing of the appeal by the municipality and shall render its decision no later than January 15th following the date on which the appeal is taken. The board shall order notice of hearing and give at least 5 days' notice prior to hearing thereof to the municipality and to the ~~State Tax Assessor~~ Bureau of Taxation. The board, after hearing, shall have the power to: ~~raise or lower or sustain the state valuation as determined by the State Tax Assessor with respect to the municipality which has filed the appeal.~~ The decision of the board shall be final. The valuation thus determined shall be certified to the State Tax Assessor who shall, if necessary, incorporate the decision in the ~~valuation certified pursuant to section 381~~

1. Raise, lower or sustain state valuation. Raise or lower or sustain the state valuation as determined by the Bureau of Taxation with respect to the municipality which has filed the appeal; the decision of the board shall be final; the valuation thus determined shall be certified to the Bureau of Taxation which shall, if necessary, incorporate the decision in the valuation certified pursuant to section 381;

2. Raise, lower or sustain Bureau of Taxation's determination. Raise or lower or sustain the Bureau of Taxation's determination of the municipality's achieved assessing standards and then, if such achieved standards were inadequate under the provisions of this chapter and upon receiving from both the bureau and the municipality recommended solutions to the inaccurate assessing practices, order the municipality to take the corrective steps the board deems necessary.

The board shall have the power to administer oaths, take testimony, hold hearings, summons such witnesses and subpoena such records, files and documents as it deems necessary for the proper hearing and disposal of the appeal.

The board shall have the power to promulgate rules and regulations governing procedure before it.

Sec. 4. 36 MRSA §§ 301 and 302, as enacted by PL 1973, c. 620, § 10, are amended to read:

§ 301. State Director of Taxation

The responsibility for the direction, supervision and control of the administration of all property tax laws in the State is vested in the State Tax Assessor ~~through the Bureau of Property Taxation~~, except for such portion of those activities expressly delegated by this chapter to the primary assessing areas or municipal assessing units or those activities expressly prohibited by this chapter to the Bureau of Taxation. The State Tax Assessor shall ~~make~~ take all necessary and legal means to ensure that the intent of this chapter is fulfilled.

§ 302. Unorganized territories

The Bureau of ~~Property Taxation~~ shall be responsible for the performance of the assessing function in the unorganized territory of the State and this territory shall constitute a single primary assessing ~~district~~ unit.

Sec. 5. 36 MRSA § 303, as enacted by PL 1973, c. 620, § 610, is repealed and the following enacted in place thereof:

§ 303. Organized territory

The organized territory of the State shall be divided into primary assessing areas and municipal assessing units on or before July 1, 1979. The foregoing division shall be made by the director utilizing the following criteria as appropriate.

1. Primary assessing areas. Primary assessing areas, including both primary assessing units and multi-municipal primary assessing districts, shall be established by:

A. Giving consideration to existing municipal and School Administrative District lines without regard to existing county lines;

B. Utilizing such factors as geography, distance, number of parcels, urban characteristics, sales activity and other factors the director believes important;

C. If the director wishes, the appointment of an advisory committee to assist him in making the division and in establishing assessing standards;

D. Determining the boundaries of such areas and, after appropriate hearing by interested parties, as conditions and personnel warrant.

Primary assessing areas, both single units and districts, shall be reviewed at least every 10 years by the director. When conditions justify alteration of the boundaries of the primary assessing areas, the State Tax Assessor may so order after appropriate hearing. Any municipality may withdraw from designation as a primary assessing area upon proper notice.

2. Municipal assessing units. Any municipality may decide not to be designated as a primary assessing area and shall be designated a municipal assessing unit. As such, the municipality shall be subject to the minimum

assessing standards of subchapter V, the rules and regulations of the bureau as described in section 328 and, if the unit decides to hire a professional full-time assessor, the assessor certification requirements of sections 311 and 312.

Sec. 5-A. Effective date. Section 5 of this Act shall take effect 91 days after adjournment of the Legislature.

Sec. 6. 36 MRSA § 304, as enacted by PL 1973, c. 620, § 10, is repealed and the following enacted in place thereof:

§ 304. Establishment of primary assessing areas

The State Tax Assessor shall, by order, establish each primary assessing area. The order shall be directed to the municipal officers. The issuance of said order shall be conclusive evidence of the lawful organization of the primary assessing area and a copy of said order shall be filed in the office of the Secretary of State.

The governing body of the primary assessing area shall determine the initial budget for the primary assessing area and, if a primary assessing district, the warrant for each participating municipality's share of expenses. The sums due on said warrant shall be paid on demand to the primary assessing district. The warrant shall be enforced in the same manner as state or county tax warrants.

Sec. 7. 36 MRSA § 306, as enacted by PL 1973, c. 620, § 10, is repealed and the following enacted in place thereof:

§ 306. Definitions

For the purpose of this chapter, the following terms shall have the following meanings.

1. **Chief assessor.** "Chief assessor" shall mean that person primarily responsible for the assessing function in a primary assessing unit or primary assessing district designated as such by the director.

2. **Hours of classroom training.** "Hours of classroom training" shall mean clock-hours not credit hours.

3. **Municipal assessing unit.** "Municipal assessing unit" shall mean any municipality choosing not to be designated by the Bureau of Property Taxation as a primary assessing area, either single unit or district member.

4. **Primary assessing area.** "Primary assessing area" shall mean that area of the State designated by the director as the basic geographic division of the state's territory for the purpose of property tax assessment and administration. Said area may be either a:

A. "Primary assessing unit," a single municipality designated by the director as a primary assessing area;

B. "Primary assessing district," a multi-municipal area of the State designated by the director as a multi-municipal assessing area.

5. Professional assessor. "Professional assessor" shall mean any person employed full time by one or more municipalities or by a primary assessing area and devoting 75% of his or her time to assessment administration.

6. State supervisory agency. "State supervisory agency" shall mean the Bureau of Taxation.

Sec. 8. 36 MRSA § 311, as repealed and replaced by PL 1973, c. 695, § 6, is repealed and the following enacted in place thereof:

§ 311. Certification

The State Tax Assessor shall issue a certificate of eligibility to any applicant who has demonstrated through appropriate examination that he or she is qualified to perform the assessing function. In addition, the State Tax Assessor shall establish classes of said certificate of eligibility that recognize the differing assessing skills needed for municipalities that vary in population and types of property.

Certificates of eligibility shall be renewed annually provided the assessor completes at least 16 hours of classroom training approved by the State Tax Assessor each year.

Any certificate issued by the State Tax Assessor may for cause be revoked after a hearing and findings of fact. In revoking a certificate, the State Tax Assessor shall give the certificate holder 30 days' written notice of the time and place of the hearing and the reasons therefor. An order of revocation shall be effective immediately.

Sec. 9. 36 MRSA § 312, as repealed and replaced by PL 1973, c. 695, § 6, is amended to read:

§ 312. Penalty

After July 1, 1980, no person shall be eligible to perform the duties of ~~an~~ a chief assessor of a primary assessing area or the duties of a professional assessor of any municipality or primary assessing area unless he or she shall have been certified in the manner provided. Any person convicted of violating this section shall be punished by a fine of not less than \$100 nor more than \$250.

Sec. 10. 36 MRSA § 313, as repealed and replaced by PL 1973, c. 695, § 6, is amended to read:

§ 313. Tenure

~~An~~ A chief assessor certified as provided shall serve a probationary period of 2 years. Thereafter he or she shall have tenure and may only be removed as provided.

~~An~~ A chief assessor having tenure in any primary assessing area, upon moving to another primary assessing area, shall serve a probationary period of no longer than one year, but such probationary period may be waived by agreement of the parties. Records as to tenure of chief assessors shall be kept by the Bureau of Taxation.

Sec. 11. 36 MRSA § 314, as repealed and replaced by PL 1973, c. 695, § 6, is amended to read:

§ 314. Removal

Chief ~~Assessors~~ assessors may be removed from office as follows:

1. Probationary term. Any chief assessor serving a probationary term may be removed by the executive committee upon 30 days' written notice stating the reason therefor.

2. Tenure. ~~An~~ A chief assessor having tenure may be removed for cause by the executive committee on the form and manner provided for the removal of town managers in Title 30, section 2313. The chief tax assessor shall hold office for an indefinite term unless otherwise specified by contract.

3. Certification revoked. ~~An~~ A chief assessor whose certification is revoked by the State Tax Assessor shall be immediately removed from office.

4. ~~Lapsed or expired certification. Any assessor whose certification has lapsed or expired~~

Sec. 12. 36 MRSA § 315, as enacted by PL 1973, c. 620, § 10, is repealed.

Sec. 13. 36 MRSA c. 102, sub-c. V is enacted to read:

SUBCHAPTER V
ASSESSING STANDARDS

§ 326. Purpose of minimum standards

The purpose of minimum assessing standards is to aid the municipalities of Maine in the realization of just assessing practices without mandating the different ways municipalities might choose to achieve such equitable assessments.

§ 327. Minimum assessing standards

All municipalities whether they choose to remain as single municipal assessing units or choose to be designated as a primary assessing area, either as a primary single unit or a member of a primary district, shall achieve the following minimum assessing standards:

1. Minimum assessment ratios. A 50% minimum assessment ratio by 1977; a 60% minimum assessment ratio by 1978; and a 70% minimum assessment ratio by 1979 and thereafter;

2. Maximum rating of assessment. A maximum rating of assessment quality of 30 by 1977; a maximum rating of assessment quality of 25 by 1978; a maximum rating of assessment quality of 20 by 1979 and thereafter;

3. Employment of assessor. Any municipal assessing unit may employ a part-time, non-certified assessor or contract with a firm or organization that

provides assessing services; when any municipal assessing unit or primary assessing area employs a full-time, professional assessor, this assessor must be certified by July 1, 1980 by the Bureau of Taxation as a professionally trained assessor. The bureau shall publish, for the information of the municipalities, a listing of certified assessors and assessing firms or organizations recognized by it as professionally qualified.

Any rules and regulations established by the Bureau of Taxation shall recognize the freedom, invention and individual means of the municipalities by which said standards will be met. For municipal assessing units and primary assessing areas alike such regulations shall recognize that:

§ 328. Administrative rules and regulations

1. Electronic data processing. Electronic data processing will be optional;
2. Time for office to be opened. The assessor's office need not be open full time;
3. Uniform accounting system. A uniform accounting system will not be mandated;
4. Budgets unnecessary. Budgets need not be submitted to the bureau;
5. Number of appraisers. The number of additional appraisers necessary will not be mandated;
6. Office records. The following office records do not necessarily have to be maintained:
 - A. Copies of deeds;
 - B. Aerial photographs;
 - C. Summary accounts or "tub" cards;
7. Physical inspection and inventory of each real parcel and personal property account will take place at least every 4 years rather than every 3 years;
8. Annual sales ratio studies. Assessors will conduct annual sales ratio studies; and
9. Tax maps. Municipal assessing units do not necessarily have to maintain tax maps.

Upon a municipal assessing unit's or primary assessing area's failure to achieve the minimum assessing standards of this subchapter, the bureau may choose at least one or more of the above administrative practices as necessary corrective steps to be undertaken by said municipality, in accordance with sections 291 through 293 and 329.

§ 329. Inability to achieve standards

Upon an initial determination by the Bureau of Taxation that a municipal assessing unit has not met the minimum standards set forth in this subchapter, the municipality has the following 2 options:

1. The municipality may accept the bureau's determination. Upon such acceptance, the bureau shall consult with the officers of the municipality and require steps by which the municipality shall achieve an equitable level of assessing practices. Such steps shall endeavor to accommodate the preferences of the municipal officers and may include membership in a primary assessing district, the joining with a companion municipality in the hiring of a part time, professional assessor or an assessing firm or other arrangements approved by the Bureau of Taxation;

2. The municipal assessing unit deeming itself aggrieved may file a written notice of appeal with the Municipal Valuation Appeals Board in accordance with the provisions of sections 291 through 293.

Sec. 14. 36 MRSA §§ 471 and 472, as enacted by PL 1973, c. 620, § 10, are amended to read:

§ 471. Area, body politic

The primary assessing ~~area~~ district shall be composed of those municipalities named in the order issued by the State Tax Assessor. The residents of a primary assessing ~~area~~ district are a body corporate and politic which may sue or be sued, appoint attorneys and adopt a seal.

Where only one municipality is designated as a primary assessing ~~area~~ unit, the municipality shall be the body corporate and the municipal officers the governing board, with the administration provisions of the assessing function to be enacted through municipal ordinance or charter provisions. Where ~~only one~~ a municipality is designated as ~~the~~ a primary assessing ~~area~~ unit, sections 472 to 474 shall not apply.

§ 472. Executive committee

The governing body of a primary assessing ~~area~~ district shall be an executive committee composed of ~~one municipal officer~~ an equal number of municipal officers from each municipality and 2 nonvoting members. The nonvoting members shall be the chief assessor of a primary assessing area and the State Tax Assessor. It is not necessary that the State Tax Assessor attend all meetings of a primary assessing area and the State Tax Assessor may appoint a substitute to represent him.

1. **Voting members.** The voting members of the executive committee shall be appointed as follows:

The municipal officers of each municipality comprising the primary assessing ~~area~~ districts shall elect from their number ~~one municipal officer~~ the municipal officer or officers to serve on the executive committee. ~~Voting of the executive committee shall be weighted based upon the latest Federal Census of each of the municipalities participating in the primary assessing area~~

~~2. Terms. The terms of members of the executive committee shall be for 3 years. Vacancies shall be filled in the same manner as voting members are appointed~~

Effective October 1, 1975

CHAPTER 546

AN ACT Requiring the Disclosure of Information in Certain Used Car Sales and Concerning Used Car Warranties.

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

Sec. 1. 10 MRSA c. 215 is enacted to read:

CHAPTER 215

USED CAR INFORMATION

§ 1451. Definitions

As used in this chapter, unless the context otherwise indicates, the following words shall have the following meanings.

1. **Conspicuous.** "Conspicuous or conspicuously" means that a term or clause is written or printed in a manner that so differentiates it from any accompanying matter that an ordinary person against whom it is to operate could be fairly presumed to have been made fully aware of the term or clause.

2. **Dealer.** "Dealer" means and includes a natural person, firm, corporation, partnership and any other legal entity that is engaged in the business of selling, offering for sale, or negotiating the sale of used motor vehicles, except auctioneers licensed by the Secretary of State and includes the officers, agents and employees thereof.

3. **Mechanical defect.** "Mechanical defect" means any defect, failure or malfunction of the mechanical system of a motor vehicle, including but not limited to the motor and transmission, electrical, hydraulic or suspension systems, and any defect, damage, failure or malfunction that affects the safety or normal use of a motor vehicle.

4. **Motor vehicle.** "Motor vehicle" means any self-propelled vehicle designed primarily to transport not more than 14 individuals, except motorcycles as defined in Title 29, section 1, subsection 4, and any vehicles operated exclusively on a rail or rails. This definition is intended to include motor trucks that have a gross vehicle weight of not more than 10,000 pounds as certified by the vehicle manufacturer or its franchised representative pursuant to Title 29, section 1652.

5. **Person.** "Person" means and includes natural persons, corporations, trusts, partnerships, incorporated or unincorporated associations and any other legal entities.

6. **Purchaser.** "Purchaser" means any person who has obtained ownership of a used motor vehicle from a dealer by transfer, gift or purchase.