

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

Assessor. The board shall be composed of 3 members. One member shall be selected by the aggrieved landowner, one member shall be selected by the assessors of the municipality in which the land lies and the 3rd member shall be the Commissioner of Agriculture or a person chosen by him. The 2 designated members shall be knowledgeable in farm and open space land values. The board shall select a chairman. Each member shall be compensated for time spent in service on the board and actual expenses incurred from funds available for representing his agency or the aggrieved landowner. Prior to any hearing, the landowner shall pay to the Commissioner of Agriculture a sum of \$25 to assure his appearance at the hearing, which sum shall be refunded to the landowner upon his appearance. The municipality shall pay its share of the costs upon notification of the amount by the Commissioner of Agriculture following the conclusion of the activities of the board. Any amount remaining unpaid may be added to the next state tax levied against that municipality or may be recovered in a civil action brought in the name of the Treasurer of State.

3. Hearing. On receipt of an application for review by the Farm and Open Space Appeal Board, the Commissioner of Agriculture shall notify the applicant of the review and shall secure the designation of the 2 other members of the board for the case in question, and with the approval of the board members, designate a time and place for hearing and make such other arrangements for such hearing as may be necessary. The board may summons witnesses, administer oaths, order the production of books, records, papers and instruments and direct the production of any evidence it deems necessary in order to make a decision. The technical rules of evidence shall not apply at such hearings. The decision of the board shall be filed with the Commissioner of Agriculture who shall notify the county commissioners and the assessors of the municipality in question. The assessors of such municipality, upon receipt of such decision, shall record the same and make such abatement or refund, if any, as may be required thereby.

4. Appeal to Superior Court. Either party may appeal from the decision of the Farm and Open Space Appeal Board to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B.

Sec. 3. 36 MRSA c. 105, sub-c. II-B, as enacted by PL 1971, c. 548 and as amended, shall be repealed, effective December 31, 1977. The liability of any person for a recapture penalty under subchapter II-B shall not lapse upon its repeal.

Effective July 29, 1976

CHAPTER 727

AN ACT Concerning the Salary of Knox County Register of Probate, Deputy Treasurer, Clerk Hire and Legal Fees of the York County Treasurer.

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

Whereas, the York County Treasurer has become involved in a dispute with the commissioners of that county; and

Whereas, it is essential that this dispute be resolved by the Legislature as soon as possible to prevent any disruption in the smooth and efficient collection of taxes and disposition of the revenues of York County; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 30 MRSA § 2, 8th ¶, that part which relates to the register of probate of Knox County, as last amended by PL 1975, c. 426, § 2, is further amended to read:

register of probate, ~~\$4,537~~ \$6,000;

Sec. 2. York County treasurer; deputy treasurer; clerk hire. Notwithstanding any other provision of law, until January 1, 1977, the treasurer of York County, without the approval of the York County commissioners, shall establish the amount of salary of the deputy treasurer and one clerk, which is necessary, just and proper for the performance of their duties. Such salaries shall not exceed \$7,600 per year for deputy treasurer and \$5,100 for the clerk and shall be retroactive to January 1, 1976.

Notwithstanding any other provision of law, the commissioners of York County shall allocate from the sum available in the York County budget for 1975-77 for clerk hire or from the Contingent Account of York County, to the treasurer of York County, the sum of \$12,700, which he shall use to pay such salaries.

Sec. 3. York County Deputy Treasurer. Notwithstanding any other provision of law, the treasurer of York County without the approval of the York County commissioners, may appoint a deputy treasurer for York County. Such deputy treasurer shall assist the treasurer in performing the duties of his office. He shall give bond to the county for the faithful discharge of his duties in such sum as the county commissioners order and with such sureties as they approve in writing thereon, the premium of such bond to be met by the county. The deputy treasurer shall act as treasurer in the event of a vacancy until a treasurer is chosen in accordance with section 601.

Sec. 4. York County treasurer; reimbursement of legal fees. The county commissioners of York County shall allocate for payment to Carl Sheltra of York County the sum of \$1,700 from the Contingent Account set out in the 1975-77 York County budget, as reimbursement for legal fees incurred by him in the case of Sheltra vs. Auger, Superior Court of York County, docket number 75-581, and in the appeal of that case.

Sec. 5. Application. Notwithstanding the provisions of Title 30, section 3, section 1 shall apply as of January 1, 1976.

Emergency clause; retroactivity. Notwithstanding the provisions of Title 30, this Act shall take effect when approved and section 1 shall be retroactive to January 1, 1976.