

# MAINE STATE LEGISLATURE

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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.

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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]

A voter who is enrolled in a party which failed to fulfill the requirements of sections 322 or 323 or which is disqualified pursuant to section 324 shall be considered as an unenrolled voter for all purposes.

§ 327. Party designation

No voter or group of voters seeking to qualify as a party to participate in a primary election under either section 322 or section 323 shall use as the party designation the designation or a combination thereof or an abbreviation thereof of a party which is qualified to participate in a primary election or general election under section 321 or the name of the State or any abbreviation thereof or combination thereof or any designation which exceeds 3 words in length.

Sec. 3. 21 MRSA § 491, as last amended by PL 1973, c. 414, §§ 19 and 20, is repealed and the following enacted in place thereof:

§ 491. Nomination authorized

The nomination of a candidate, other than by a party, for any federal, state or county office must be made by nomination petition. A person may file as a candidate for any federal, state or county office either by primary election or nomination petition, but not by both.

Sec. 4. 21 MRSA § 492, sub-§ 1, 3rd sentence is amended to read:

It must contain the name of only one candidate, ~~his the candidate's place of residence and the office sought and his political designation expressed in not more than 3 words.~~

Effective July 29, 1976

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## CHAPTER 753

### AN ACT Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites.

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

Whereas, the Revised Statutes, Title 38, section 1305 requires municipalities to provide solid waste disposal facilities; and

Whereas, without the permission of the landowner, there is no legal way municipalities may enter upon private premises to make soil tests and other related tests to determine the feasibility of solid waste disposal sites to the end that the best possible site may be established; and

Whereas, that permission is not always forthcoming; and

Whereas, the Department of Environmental Protection is demanding that the several municipalities comply with the solid waste management law which was established by the Legislature in 1973; 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:*

4 MRSA § 180 is enacted to read:

§ 180. Site inspection warrants

A District Court Judge may issue warrants to conduct surveys and tests on land that is under consideration for purchase or taking through eminent domain by the State or any of its political subdivisions. The Supreme Judicial Court shall provide by rule the manner and circumstances for the issuance of such warrants subject to the following conditions:

1. **Compelling need.** There is a compelling need for the issuance of the warrant, such as required compliance with state statutes or regulations or protection of the public health, safety or welfare;
2. **Notice to owner.** The owner of the land shall be served notice at least 14 days prior to the day when any survey or test is initiated;
3. **Completion within 30 days.** All tests and surveys shall be completed within 30 days of entry;
4. **Distance from occupied dwelling.** No soils test may be conducted within 200 yards of an occupied dwelling;
5. **Site restoration.** Upon completion of any soils test or analysis, all holes, pits or trenches created thereby shall be filled in and the site restored as best practicable to its original condition; and
6. **Compensation for damages.** The owner of land subject to a survey or test shall have the right to be compensated for any actual damage caused as a result of the surveys and tests. Upon request of the landowner within 30 days after entry on his premises, the governmental unit shall hold a public hearing to determine whether he is entitled to compensation for actual damages caused by the testing. The governmental unit shall publish a notice of the time and place of hearing in a newspaper having general circulation in its area at least 7 days before the hearing. The governmental unit shall pay the landowner forthwith the amount of compensation to which it determines he is entitled. If the landowner is aggrieved by the decision of the governmental unit, he may appeal to the Superior Court as provided in Rule 80B of the Maine Rules of Civil Procedure.

**Emergency clause.** In view of the emergency cited in the preamble, this

Act shall take effect when approved.

Effective April 13, 1976

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## CHAPTER 754

### AN ACT Relating to Monthly School Tax Payments by Municipal Treasurers to the Treasurer of State.

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

Whereas, municipalities must often borrow money to make periodic payments of the uniform property tax to the Treasurer of State; and

Whereas, the Treasurer of State returns these funds to the municipalities within 4 days thereafter; and

Whereas, the cost of borrowing money creates an additional tax burden on the citizens of the municipalities; 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.** 20 MRSA § 3747, sub-§ 3, first sentence, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

Establish the basic education allocation for paragraphs A through G and subsection 5 and the appropriations for paragraphs H through J and subsections 4 and 7.

**Sec. 2.** 20 MRSA § 3747, sub-§ 6, as enacted by PL 1975, c. 660, § 2, is repealed and the following enacted in place thereof:

**6.** Appropriation for basic education allocation. Appropriate the necessary funds for the state's share of the basic education allocation. The Legislature shall allocate 90% of the amounts established for subsection 4 and subsection 3, paragraphs C, D, E and F, subparagraph (1).

**Sec. 3.** 20 MRSA § 3747, sub-§ 8, last sentence, as enacted by PL 1975, c. 660, § 2, is amended to read:

This rate shall produce an amount not to exceed 50% of the basic education ~~appropriation~~ allocation as established by the Legislature.