

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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PUBLIC LAWS
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function which the Legislature has power to confer upon it and which has not been conferred on that county either expressly or by clear implication, or alter the statutory method of raising or appropriating money for county expenditures.

3. Districts. In those counties that have county commissioner districts under Title 30, sections 105-A to 105-U, the county charter shall provide for the election of the county officers by district. The charter shall establish the districts for each officer and shall provide for the manner of election which shall be by the voters of the district or at-large as required for that county under Title 30, sections 105-A to 105-U.

§ 1602. Application of general law; duties designated

1. Application. In those counties that adopt county charters, the following general statutes shall not apply:

- A. Title 30, sections 2, 51 and 52;
- B. Title 30, chapter 1, subchapter II, sections 101 to 202;
- C. Title 30, chapter 1, subchapter IV, sections 601 to 651;
- D. Title 30, chapter 1, subchapter V, section 801; and
- E. Title 33, sections 601 to 608.

2. Duties designated. The county charter shall designate the county officers, officials or employees, who shall carry out the duties required of county commissioners, county treasurers and registers of deeds under general statute.

§ 1603. Void charters

Any county charter that may be in effect on the effective date of this chapter may not be revised nor amended and is declared to be null and void on the adoption of a new county charter as provided under this chapter.

Effective October 24, 1977

CHAPTER 487

AN ACT to Permit Municipalities to Levy and Collect Service Charges for Certain Municipal Services from Tax Exempt Residential Property Used to Provide Rental Income.

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

36 MRSA § 652, sub-§ 1, ¶ L is enacted to read:

L. Service charges.

(1) The owners of certain institutional and organizational real property, which is otherwise exempt from state or municipal taxation, may be subject to service charges when these charges are calculated according to the actual cost of providing municipal services to that real property and to the persons who use that property. These services shall include, without limitation:

- (a) Fire protection;
- (b) Police protection;
- (c) Road maintenance and construction, traffic control, snow and ice removal;
- (d) Water and sewer service;
- (e) Sanitation services; and
- (f) Any services other than education and welfare.

(2) The establishment of service charges is not mandatory, but rather is at the discretion of the municipality in which the exempt property is located. The municipal legislative body shall determine those institutions and organizations on which service charges are to be levied by charging for services on any or all of the following classifications of tax exempt real property:

- (a) Residential properties currently totally exempt from property taxation, yet used to provide rental income. This classification shall not include student housing or parsonages.

If a municipality levies service charges in any of the classifications of this subparagraph, that municipality shall levy these service charges to all institutions and organizations owning property in that classification.

(3) With respect to the determination of service charges, appeals shall be made in accordance with an appeals process to be provided for by municipal ordinance.

(4) The collection of unpaid service charges shall be carried out in the same manner as provided in Title 38, section 1208.

(5) Municipalities shall use the revenues accrued from service charges to fund, as much as possible, the costs of those services.

(6) The total service charges levied by a municipality on any institution and organization under this section shall not exceed 2% of the gross annual revenues of the organization. To qualify for this limitation the institution or organization shall file with the municipality an audit of the revenues of the organization for the year immediately prior to the year which the service charge is levied. The municipal officers shall abate the

service charge amount that is in excess of 2% of the gross annual revenues.

(7) Municipalities shall adopt any necessary ordinances to carry out the provisions of this paragraph regarding service charges.

Effective October 24, 1977

CHAPTER 488

AN ACT Relating to Charitable Solicitations.

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

Sec. 1. 9 MRSA c. 385 is enacted to read:

CHAPTER 385

CHARITABLE SOLICITATIONS ACT

§ 5001. Short title

This Act shall be known and may be cited as the "Charitable Solicitations Act."

§ 5002. Intent

It is the intent of the Legislature to require the registration and financial reporting of charitable organizations, the registration and bonding of professional fund-raising counsels and commercial co-venturers and the registration of professional solicitors.

§ 5003. Definitions

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

1. Charitable organization. "Charitable organization" means any person, including any organized in a foreign state, which is or holds itself out to be organized or operated for any charitable purpose and which solicits, accepts or obtains contributions from the public for any charitable purpose. A chapter, branch, area office or similar affiliate or any person soliciting contributions for any charitable purpose within the State for a charitable organization which has its principal place of business outside the State shall be considered a charitable organization for the purposes of this Act.

2. Charitable purpose. "Charitable purpose" means any charitable, be-