

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

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

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

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:

36 MRSA § 576-B, as enacted by PL 1977, c. 549, § 5, is amended by adding at the end the following new paragraphs:

The discount factor and capitalization rate determined by February 1, 1978, shall be utilized in redetermining the 100% valuation per acre for each forest type for each county for tax year 1978. All average annual gross wood production rates and average stumpage values previously determined for tax years 1977 and 1978 shall also be used to redetermine the 100% valuation per acre for each forest type for each county for tax year 1978.

The 100% valuation per acre for each forest type for each county for tax year 1978 shall be deposited in the office of the Secretary of State by March 1, 1978, and shall be transmitted to the municipal assessors of each municipality on or before April 1, 1978.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective February 9, 1978

CHAPTER 591

AN ACT to Amend the Maine Tort Claims Act.

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

Sec. 1. 5 MRSA § 1510, sub-§1, 1st ¶, 1st sentence, as enacted by PL 1975, c. 313, and as repealed and replaced by PL 1975, c. 771, § 69, is amended to read:

Every claim against the State or any of its agents which ~~is~~ **can not be** submitted or paid under a specific statutory provision other than this section and which does not exceed the sum of \$2,000, shall be submitted to the State Claims Board, which shall approve, partially approve or disapprove that claim.

Sec. 2. 5 MRSA § 1510, sub-§1, 1st ¶, as enacted by PL 1975, c. 313 and as repealed and replaced by PL 1975, c. 771, § 69, is amended by adding at the end the following new sentence to read:

A claim submitted under this section shall not be disapproved solely because a claim based on the same facts was submitted under a different statutory procedure and was disallowed.

Sec. 3. 14 MRSA § 8107, sub-§4, as enacted by PL 1977, c. 2, § 2, is amended by adding at the end the following new sentence to read:

A claim filed under this section shall not be held invalid solely because a claim based on the same facts was filed under a different statutory procedure and was disallowed.

Sec. 4. 23 MRSA § 3655, 3rd sentence, is amended to read:

Any person who sustains injury or damage or some person in his behalf shall, within ~~14~~ 180 days thereafter, notify one of the county commissioners of such county or of the municipal officers of such town by letter or otherwise, in writing, setting forth his claim for damages and specifying the nature of his injuries and the nature and location of the defect which caused such injury.

Sec. 5. 23 MRSA § 3655, as last amended by PL 1977, c. 578, § 7, is further amended by inserting after the 4th sentence a new sentence to read:

In any action against a town for damages for loss of life permitted under this section, the claim for and award of damages, including costs, against a town and its employees shall be limited and disposed of as provided under Title 18, section 2552, but shall not exceed \$300,000 for any and all claims arising out of a single occurrence.

Sec. 6. PL 1977, c. 2, § 5, first ¶, 2nd sentence is amended to read:

This Act shall remain effective until ~~February 1, 1979~~ November 1, 1979.

Effective July 6, 1978

CHAPTER 592

AN ACT to Correct Certain Oversights in the Nonprofit Corporation Act.

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

Whereas, the First Regular Session of the 108th Legislature enacted the Maine Nonprofit Corporation Act, effective January 1, 1978; and