

# 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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Augusta, Maine  
1979

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**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

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A plaintiff or his authorized attorney or representative shall state the substance of his claim to the clerk of the District Court having jurisdiction thereof who shall briefly record the notice of the claim and set a date for a hearing.

Sec. 4. 14 MRSA § 7453, last sentence, as amended by PL 1971, c. 206, § 3, is further amended to read:

The plaintiff or his authorized attorney or representative shall at the same time pay an entry fee of \$5. from which the clerk is authorized to expend the costs of giving notice to defendant and notice to plaintiff and the remainder to be retained by the court as costs.

Effective July 6, 1978

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## CHAPTER 594

### AN ACT to Empower Administrative Hearing Officers to Sign Fair Hearing Decisions.

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

22 MRSA § 3181, sub-§ 1, 3rd sentence, as enacted by PL 1973, c. 790, § 2, is repealed as follows:

~~When the evidence in the case is heard by a person other than the commissioner, the decision shall be rendered in the name of the commissioner.~~

Effective July 6, 1978

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## CHAPTER 595

### AN ACT Relating to the Taxation of Certain Property Owned and Operated by Telephone or Telegraph Companies.

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

Whereas, certain small towns have been refused payment on taxes assessed on microwave towers because of ambiguity in the law; and

Whereas, litigation on this matter may be prolonged and costly; and

Whereas, it is the intent of the Legislature that structures such as microwave towers are not telephone poles but are real property and should be taxed as such; 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:**

**36 MRSA § 2689, as amended by PL 1965, c. 362, § 8, is repealed and the following enacted in its place:**

**§ 2689. Limited property tax**

The land, buildings and microwave towers or similiar towers, owned by a telephone or telegraph company shall be taxed as real property in the municipality or unorganized territory in which they are situated.

The excise tax imposed by this chapter shall be in lieu of property taxes upon all other property of a telephone and telegraph company, including the poles, wires, conduits, cables, booths, central office equipment, and other machinery and equipment involved in the business of a telegraph or telephone company.

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

Effective February 9, 1978

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## **CHAPTER 596**

### **AN ACT to Provide Flexibility in the Organizational Structure of the Department of Environmental Protection.**

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

**Sec. 1. 38 MRSA § 342, sub-§§ 4 and 5, as enacted by PL 1971, c. 618, § 8, are repealed and the following enacted in their place:**

**4. Organization of department.** The commissioner, subject to the approval of a majority of the Board of Environmental Protection, shall organize the department into the bureaus, divisions, regional offices and other administrative units that he deems necessary to fulfill the duties of the department and support