

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

SECOND SPECIAL SESSION

November 18, 1983

AND AT THE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

AND AT THE

THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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J.S. McCarthy Co., Inc.
Augusta, Maine
1986

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
JANUARY 4, 1984 TO APRIL 25, 1984

sioner of Conservation consents to the transport or, for lands administered by the Baxter State Park Authority, the authority consents to the transport. Such consent shall be given where it is necessary to avoid severe economic hardship or to avoid the disruption of land management plans.

Sec. 2. 29 MRSA §2709, sub-§3, ¶H, as enacted by PL 1983, c. 234, §5, is amended to read:

H. Motor carriers transporting passengers that receive state, municipal or federal subsidies administered by the Department of Transportation shall be required to submit their operating name and list of equipment to the bureau and shall be subject to the rules of the bureau pertaining to safety promulgated under section 2707. For the purpose of this section, the term subsidies shall include assistance that is provided by the State Government, municipal government or Federal Government that is used for purposes of planning to offset operating losses or to acquire capital equipment.

Effective July 25, 1984.

CHAPTER 697

S.P. 717 - L.D. 1963

AN ACT to Clarify Certain Provisions in the
Recodification of the General Assistance Law.

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

Sec. 1. 22 MRSA §4316, sub-§2, ¶A, as enacted by PL 1983, c. 577, §1, is amended to read:

A. Existing employment or participation in a vocational training or primary or secondary educational program which would, or in a training program which is either approved or determined, or both, by the Department of Labor to be reasonably expected to assist the individual in securing employment;

Sec. 2. 22 MRSA §4316, sub-§4, ¶A, as enacted by PL 1983, c. 577, §1, is amended to read:

A. No person may, as a condition of general assistance eligibility, be required to do any amount of work that exceeds the value of the net general assistance that the person would otherwise receive under state municipal general assistance standards. Any person performing work under this subsection shall be provided with net general assistance, the value of which is computed at a rate of at least the state's minimum wage.

Sec. 3. 22 MRSA §4320, as enacted by PL 1983, c. 577, §1, is repealed and the following enacted in its place:

§4320. Liens on real estate

A municipality or the State may claim a lien against the owner of real estate for the amount of money spent by it to provide mortgage payments on behalf of an eligible person under this chapter on any real estate that is the subject of a mortgage, whether land or buildings or a combination thereof.

The municipal officers or the State shall file a notice of the lien with the register of deeds of the county wherein the property is located within 30 days of making a mortgage payment. That filing shall secure the municipality or state's lien interest for an amount equal to the sum of that mortgage payment and all subsequent mortgage payments made on behalf of the same eligible person. Not less than 10 days prior to the filing, the municipal officers or the State shall send notification of the proposed action by certified mail, return receipt requested, to the owner of the real estate and any record holder of the mortgage. The lien notification shall clearly inform the recipient of the limitations upon enforcement contained in this section; it shall also contain the title, address and telephone number of the municipal official who granted the assistance. A new written notice including these provisions shall be given to the recipient each time the amount secured by the lien is increased. The lien shall be effective until enforced by an action for equitable relief or until discharged.

Interest on the amount of money secured by the lien may be charged by the State or a municipality, but in no event may the rate exceed the maximum rate of interest allowed by the Treasurer of State, pursuant to Title 36, section 186. For the State, the rate of interest shall be established by the department. For a municipality, the rate of interest shall be es-

tablished by the municipal officers. Interest shall accrue from and including the date the lien is filed.

The costs of securing and enforcing the lien may be recoverable upon enforcement.

No lien may be enforced under this section while the person named in the lien is either currently receiving any form of public assistance or, as a result of enforcement, would become eligible for general assistance.

In no event may the lien be enforced prior to the death of the recipient of general assistance or the transfer of the property.

Sec. 4. 22 MRSA §4322, as enacted by PL 1983, c. 577, §1, is amended to read:

§4322. Right to a fair hearing

Any person aggrieved by a decision, act, failure to act or delay in action concerning his application for general assistance under this chapter shall have the right to an appeal. If a person's application has been approved, there shall be no revocation of general assistance during the period of entitlement until that person has been provided notice and an opportunity for hearing as provided in this section. ~~After 24 hours from the time a person applies for general assistance, or immediately after a person receives notice that an approved application has been revoked, that person may request an appeal within 5 working days.~~ Within 5 working days of receiving a written notice of denial, reduction or termination of assistance, in accordance with the provisions of section 4321, or within 10 working days after any other act or failure to act by the municipality with regard to an application for assistance, the person may request an appeal. A hearing shall be held by the fair hearing ~~officer~~ authority within ~~7~~ 5 working days following the receipt of a written request by the applicant for an appeal. The hearing may be conducted by ~~one or more fair hearing officers~~ the municipal officers, a board of appeals, created under Title 30, section 2411, or one or more persons appointed by the municipal officers to act as a fair hearing authority. In no event may an appeal be held before a person or body responsible for the decision, act, failure to act or delay in relating to the applicant.

The person requesting the appeal shall be afforded the right to confront and cross-examine any

witnesses against him, present witnesses in his own behalf and be represented by counsel or other spokesman, and be advised of these rights in writing. The decision of such an appeal shall be based solely on evidence adduced at the hearing. The person requesting the appeal shall, within 5 working days after the appeal, be furnished with a written decision detailing the reasons for that decision. When any decision by a fair hearing ~~effieer~~ authority or court authorizing assistance is made, that assistance shall be provided within 24 hours. Review of any action or failure to act under this chapter shall be pursuant to the Maine Rules of Civil Procedure, Rule 80-B. The municipality shall keep and provide a sufficient record of fair hearing for the court review.

Effective July 25, 1984.

CHAPTER 698

S.P. 785 - L.D. 2111

AN ACT to Provide for Filling Vacancies in
the Office of Presidential Electors Nominated
by Petition.

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

21 MRSA §1475-A, sub-§3 is enacted to read:

3. Candidate for Presidential Elector; death; withdrawal; disqualification. If a Presidential Elector, who has been nominated by petition, as specified by section 494, subsection 1, paragraph A, dies, withdraws or becomes disqualified, the vacancy may be filled by a new Presidential Elector, if the following conditions are met:

A. Written resignation is filed with the Secretary of State by the previous Presidential Elector, if the mental and physical condition of the elector allows;

B. Written consent is filed with the Secretary of State by the new Presidential Elector; and

C. Written acceptance of the new Presidential Elector is filed with the Secretary of State by the presidential candidate.