

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

Sec. 6. Allocation to pheasant stocking program. The allocation to the pheasant stocking program in fiscal year 1983-84 shall not exceed the revenues raised by the sale of pheasant stamps in fiscal year 1982-83.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1983.

Effective July 1, 1983.

CHAPTER 42

H.P. 1234 - L.D. 1641

AN ACT to Amend the Lucerne-in-Maine Village Corporation Charter.

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

Whereas, the provisions of Private and Special Law 1927, chapter 43, Charter of Lucerne-in-Maine Village Corporation, as amended, are outdated in regard to tax assessment and contribution toward expenses of the Town of Dedham and the Dedham school budget because of substantial changes in the makeup of Lucerne-in-Maine and the Town of Dedham and of their present fiscal circumstances; and

Whereas, the present system of double tax assessment, commitments and collection of Lucerne-in-Maine is inefficient and contributes to controversies with the Town of Dedham regarding disposition of tax acquired property; and

Whereas, the following amendments are necessary to implement proposed tax assessment and budget changes in the Town of Dedham and Lucerne-in-Maine for their 1983 fiscal years, commencing July 1, 1983; 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. P&SL 1927, c. 43, §3, first sentence, as amended by P&SL 1969, c. 200, is further amended to read:

The Town of Dedham, in said County of Hancock, is hereby relieved from any and all duty to build, repair or maintain roads, streets or ways upon said territory, or within its limits, or to perform any of the duties for which said village corporation is authorized by section 2 of this Act to raise money, except that the Town of Dedham shall pay the operating costs of the Lucerne Fire Department and shall include those costs in the same budget and the same town meeting warrant article as the request for funds for the Dedham Fire Department; and said town shall not be liable for defects in streets, ways or roads in said village corporation's territory nor for failure to perform any duty from which it is relieved by this Act, but said village corporation shall assume all, of said duties and be liable for said defects in said streets, ways and roads and for failure to perform the duties assumed as the Town of Dedham would have been liable except for this Act, provided, however, that said village corporation shall not be liable to build school houses or to maintain schools for children resident in its territory or to transport any such children to school or to otherwise provide for the education of children resident in the village corporation's territory; which liability may be enforced under the same conditions, in the same manner and with the same remedies as are provided by law in relation to towns.

Sec. 2. P&SL 1927, c. 43, §5, as amended by P&SL 1969, c. 200, §2, is repealed.

Sec. 3. P&SL 1927, c. 43, §5-A is enacted to read:

Sec. 5-A. Apportionment of taxes and revenues between town and corporation. The village corporation shall annually pay over to the treasurer of the Town of Dedham, in monthly installments due by the 20th of each month, a sum equal to 2/3 of the most recent ratio of the village corporation territory state real estate tax valuations to the total Dedham state real estate tax valuations multiplied by the net Dedham municipal service appropriations for the ensuing year. "Net municipal service appropriations" consist of all appropriations approved at the Dedham town meeting, exclusive of the education budget and the Hancock County tax, less all anticipated noneducation revenues and transfers from surplus. Net municipal service appropriations also includes the operating costs of the Lucerne Fire Department which shall be included in the same budget and in the

same article of the Dedham town meeting warrant as the Dedham Fire Department.

The village corporation shall also pay over annually to the Dedham treasurer, in monthly installments due by the 20th of each month, as the corporation's full share of education expenses, the percentage of the net Dedham education budget for the ensuing year equal to the most recent year's ratio of state real estate tax valuations of the village corporation territory as compared to the Dedham total state valuations.

The Hancock County tax shall be apportioned between the Town of Dedham and the village corporation on the same basis of respective state valuations as noted above. At least 15 days before the date for interest on that tax specified by the county, the corporation treasurer shall remit that fraction of the tax to the Dedham treasurer for payment to the Hancock County treasurer.

The Town of Dedham shall retain only the amount of excise taxes collected outside of the village corporation territory, and it shall pay over to the treasurer of the village corporation in monthly installments due by the 20th of each month, the amount of excise taxes collected from the inhabitants of the village corporation territory.

For purposes of the above-mentioned apportionments, no property owned by Lucerne-in-Maine Village Corporation may be included in any valuation.

Sec. 4. P&SL 1927, c. 43, §6 is repealed.

Sec. 5. P&SL 1927, c. 43, §6-A is enacted to read:

Sec. 6-A. Assessment and collection of taxes. All moneys which shall be raised, for the purposes named in section 2, for the payments to the Town of Dedham and the County of Hancock, as specified in section 5-A, or for any other purpose for which the village corporation may lawfully raise money shall be assessed upon the property within the limits of the corporation's territory by a single tax warrant in the same manner as is provided by law for the assessment of municipal taxes. The assessors and tax collector for the corporation shall also be the assessors or tax collector of the Town of Dedham.

Each and every year the annual meeting shall be held at the time and place determined, in accordance with section 9-A, at which a majority of the legal voters there assembled shall determine the amount of

money to be raised or appropriated for the corporate purposes, the corporation's share of the Dedham school budget and net municipal services, and the corporation's share of the Hancock County tax, during and for that year, or the ensuing fiscal year, if the annual meeting is held prior to the beginning of the fiscal year. A certificate reciting the total appropriations, estimated revenues from all sources, transfers from surplus and the amount of money to be raised by taxes and signed by the chairman of the Board of Overseers and attested by the clerk shall thereupon, within 10 days after the final adjournment of that meeting, be filed with the assessors. It shall be the duty of the assessors to assess the total amounts shown by that certificate in the manner required above and to then certify and deliver the lists of the assessments so made to the tax collector, whose duty it shall be to collect the same in like manner as municipal taxes are collected by law, and the tax collector shall, within 30 days, pay over all such moneys collected by him directly to the treasurer of the village corporation. The tax collector shall also deliver to the treasurer a list of those assessments. The tax collector shall have the same rights and powers as a municipal tax collector to collect and recover any taxes committed to him by suit, tax lien mortgage proceedings, or otherwise. It shall be the duty of the treasurer to receive all moneys belonging to the village corporation and to pay them out only upon the written order of a majority of the Board of Overseers, and to keep regular accounts of all moneys received and paid out and to exhibit the same to the Board of Overseers whenever requested.

Sec 6. P&SL 1927, c. 43, §7, as repealed and replaced by P&SL 1981, c. 108, §§2 to 4, is repealed.

Sec. 7. P&SL 1927, c. 43, §7-A is enacted to read:

Sec. 7-A. Officers; adoption of bylaws; officers to be sworn; treasurer to give bond; budget committee established. The officers of the corporation shall be a board of 3 overseers, a treasurer, a clerk and such other officers as the bylaws of the corporation may require. The Board of Overseers, when elected as provided below, shall forthwith proceed to appoint a treasurer, and a clerk to serve at their pleasure. Any nonresident officers shall be permanent residents of an area included within a radius of 25 miles of the fire station at Lucerne-in-Maine. Officers shall serve until their successors have been sworn and duly qualified.

The officers shall be sworn before the corpora-

tion clerk or anyone authorized to administer oaths in this State and the treasurer shall give bond to the corporation in such sum as the overseers may direct, which bond shall be approved by the Board of Overseers. There shall be established a budget committee consisting of not less than 4 nor more than 6 members who shall be appointed by the Board of Overseers. The budget committee shall be responsible for studying the finances, expenditures, books of account and other financial documents of the corporation with the view to developing a financial plan that is in the best interests of the village community. The budget committee shall hold a public hearing annually in June or July for reviewing the budget recommendations for the ensuing fiscal year.

The corporation may adopt at any legal meeting called for that purpose a code of bylaws for the proper management of its business affairs and other purposes connected therewith, provided the bylaws are not repugnant to the laws of this State. The code of bylaws may be amended or altered at any legal meeting of the corporation in the call for which notice of the proposed change has been given.

At the 1983 summer meeting of the village corporation, the resident and nonresident voters, as defined in section 12, shall elect 3 overseers: One for a term of 3 years; one for a term of 2 years; and one for a term of one year. The overseer to serve the one-year term and the overseer to serve the 3-year term shall be resident voters. The overseer to serve a 2-year term shall be a nonresident voter.

Commencing at the 1984 summer meeting and for even-numbered years thereafter, a nonresident voter shall be elected to serve a 3-year term as overseer. Commencing at the 1985 summer meeting and for odd-numbered years thereafter, a resident voter shall be elected to serve a 3-year term as an overseer. At the first Board of Overseers' meeting following each summer meeting, they shall choose a chairman for the ensuing year.

The nomination for the office of an overseer shall be made by nomination papers signed by not less than 25 nor more than 75 voters. Nomination paper forms shall be provided by the corporation clerk upon request within 30 days prior to their final filing deadline. Before issuance, the clerk may complete each sheet by filling in the name of the candidate and the term of the office being sought. Each voter who signs a nomination paper shall add his place of residence. He may subscribe only one nomination paper.

All nomination papers shall be filed with the corporation clerk at least 30 days prior to the day of election and shall be accompanied by a written consent of the proposed candidate agreeing to accept the nomination and to serve if elected. When filed, the nomination papers shall be made available for public inspection. The clerk shall review each nomination paper and determine if the necessary number of voters for each candidate has been presented in order, and notify the candidate within 3 days of the result of his review. An objection to a nomination paper determined by the clerk to be valid or invalid may be filed in writing at least 21 days before the day of election. That objection shall be determined by the Board of Overseers at least 18 days before the day of election and their decision is final.

By order of the Board of Overseers or on the written petition of 25 voters, the Board of Overseers shall require that a particular referendum article be placed on the next printed ballot. The petition for placing a referendum article on the ballot is subject to the same filing requirements as are nomination papers under this section.

Ballots and specimen ballots shall be prepared and posted by the corporation clerk in the manner provided for town secret ballot elections.

The Board of Overseers shall appoint ballot clerks who shall be sworn before assuming their duties. They shall receive, count and tabulate the votes cast in the manner provided for town secret ballot elections. Election shall be by plurality vote. In case of a tie vote, the meeting shall be adjourned to a day certain when ballots shall again be cast for the candidates tied for the office in question.

Sec. 8. P&SL 1927, c. 43, §11, as amended by P&SL 1981, c. 108, §6, is repealed.

Sec. 9. P&SL 1927, c. 43, §18, 3rd sentence is repealed.

Sec. 10. P&SL 1927, c. 43, §19 is repealed.

Sec. 11. Referendum. The overseers of Lucerne-in-Maine and the selectmen of the Town of Dedham shall submit this Act to the legal voters within their respective territory at a regular or special meeting to be held within one year after passage of this Act. This Act shall be approved by a majority of the legal voters of Lucerne-in-Maine

voting at the election and a majority of the legal voters of the Town of Dedham voting at the election. If either a majority of the voters voting in Lucerne-in-Maine or a majority of the voters voting in the Town of Dedham do not approve this Act, it shall not be approved.

Sec. 12. P&SL 1927, c. 43, §20 is repealed.

Emergency clause. In view of the emergency cited in the preamble, section 11 of this Act shall take effect immediately. Sections 1 to 10 of this Act shall take effect upon approval by a majority of the legal voters as provided in section 11.

Effective June 24, 1983, unless otherwise indicated.

CHAPTER 43

S.P. 621 - L.D. 1759

AN ACT Relating to Transportation Facilities.

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

P&SL 1979, c. 53, §6-A is enacted to read:

Sec. 6-A. Authority to municipalities. Any municipality which improves land or facilities, with funds authorized by this Act, may enter into exclusive leases, subleases, ground leases and exclusive operating agreements for the provision of services consistent with the operation of fish piers and airports as set forth in section 4. Any such exclusive lease or operating agreement shall be subject to review and written approval by the Commissioner of Transportation.

Effective September 23, 1983.

CHAPTER 44

H.P. 514 - L.D. 639

AN ACT to Make Allocations from the
Maine Coastal Protection Fund and
Changing Certain Provisions of the Law
necessary to the Proper Operations of
State Government for the Fiscal Years
Ending June 30, 1984, and June 30, 1985.