

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

PUBLISHED BY THE DIRECTOR OF REVISOR OF STATUTES IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

current fiscal year must submit ~~quarterly~~ annual reports on forms provided by the department.

Effective July 16, 1986.

CHAPTER 568

H.P. 1371 - L.D. 1935

AN ACT to Clarify the Provisions Relating to
the Proration of Property Taxes.

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

36 MRSA §502, as amended by PL 1979, c. 666, §15, is further amended to read:

§502. Property taxable; tax year

All real estate within the State, all personal property of residents of the State and all personal property within the State of persons not residents of the State is subject to taxation on the first day of each April as provided; and the status of all taxpayers and of such taxable property shall be fixed as of that date. The taxable year shall be from April 1st to April 1st. Notwithstanding this section, proration of taxes shall be over the period specified in section 558.

Effective July 16, 1986.

CHAPTER 569

H.P. 1450 - L.D. 2047

AN ACT to Clarify Sales of Surplus Vehicles
at State Auction.

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

Sec. 1. 10 MRSA §1471, sub-§2, as enacted by PL 1975, c. 770, §57, is amended to read:

2. Dealer. "Dealer" means and includes a natural person, firm, corporation, partnership and any other

legal entity that is engaged in the business of selling, offering for sale, or negotiating the sale of used motor vehicles, except auctioneers licensed by the Secretary of State and includes the officers, agents and employees thereof. "Dealer" does not include departments or agencies of the State when selling, offering for sale or negotiating the sale of used state-owned motor vehicles.

Sec. 2. 10 MRSA §1478 is enacted to read:

§1478. Motor vehicles and equipment sold at state auction

1. Exemption of State from liability. Whenever motor vehicles and equipment of a state agency as defined in Title 5, section 8002, subsection 2 are sold at a state auction, the State or any state employee shall not be liable for any personal injury or death or any property damage sustained as a result of the use of that vehicle following the sale of that vehicle at auction. At any auction held pursuant to this section, a statement shall be made at the beginning of the auction that the State is not liable for any damage, injury or death resulting from the use of the vehicle or equipment following the sale at auction.

A. For the purposes of this section, "state agency" includes the Maine vocational-technical institutes.

2. State agencies to maintain documents for each vehicle. Each state agency shall maintain records for each vehicle in the possession of and assigned for primary use by the agency. The records shall contain the information defined in section 1475, subsection 2, paragraphs B, C, D and F. Each state agency shall use the disclosure forms as provided by the Division of Motor Vehicles pursuant to section 1475, subsection 2, paragraph G.

A. In the event that a uniform disclosure form prepared by the Division of Motor Vehicles is not available for state agency use, each agency shall devise a form until a uniform form becomes available.

B. This subsection applies to motor vehicles purchased on or after July 1, 1986.

3. Transfer of vehicles among agencies. Whenever a motor vehicle or an article of equipment, subject to the provisions of this section, is transferred from one state agency to another state agency,

the disclosure form for the transferred motor vehicle or equipment shall be transferred with the motor vehicle or article of equipment.

4. Disclosure at auction. At the time that a motor vehicle or article of equipment is provided to the auction for sale, the disclosure form shall be attached to that vehicle or equipment in a place visible to the general public. The disclosure form shall also indicate the last known date on which the vehicle passed inspection pursuant to Title 29, chapter 22.

A. In the event that a motor vehicle submitted by a state agency to the state auction does not possess a valid inspection certificate that has been issued within 180 days previous to the auction, the motor vehicle shall be subject to inspection pursuant to Title 29, chapter 22. If the motor vehicle passes inspection, a current and valid inspection certificate shall be affixed to the vehicle.

B. In the event that a motor vehicle subjected to a vehicle inspection pursuant to this subsection does not pass the inspection, the provision of section 1474, subsection 4 applies to the motor vehicle.

5. Temporary certification. Any motor vehicle for which there is no current and valid certificate of motor vehicle inspection at the time of sale at a state auction and which does not pose a serious threat to the general public, as determined by the Bureau of Purchases from the form required in subsection 2 and from an inspection of the vehicle, may be provided a temporary certificate authorizing the operation of the motor vehicle from the auction site to a point designated by the purchaser.

Sec. 3. 14 MRSA §8103, sub-§2, ¶¶H, I and J, as enacted by PL 1977, c. 578, §1, are amended to read:

H. The ownership, maintenance or use of any building acquired by a governmental entity for reasons of tax delinquency from the date of foreclosure and until actual possession by the delinquent taxpayer or his lessee or licensee has ceased for a period of 60 days; ~~or~~

I. The ownership, maintenance or use of any building acquired by a governmental entity by eminent domain or by condemnation until actual

possession by the former owner or his lessee or licensee has ceased for a period of 60 days; or

J. Any defect, lack of repair or lack of sufficient railing in any highway, town way, sidewalk, parking area, causeway, bridge, airport runway or taxiway, including appurtenances necessary for the control of such ways including but not limited to street signs, traffic lights, parking meters and guardrails, except as provided in section 8104, subsection 4, and in Title 23, section 3655; or

Sec. 4. 14 MRSA §8103, sub-§2, ¶K is enacted to read:

K. The sales of motor vehicles and equipment at auction held by the governmental entity.

Sec. 5. 14 MRSA §8104, sub-§1, as repealed and replaced by PL 1977, c. 578, §2, is amended to read:

1. In its ownership, maintenance or use of any:

A. Motor vehicle, as defined in Title 29, section 1, subsection 7;

B. Special mobile equipment, as defined in Title 29, section 1, subsection 14;

C. Trailers, as defined in Title 29, section 1, subsection 18;

D. Aircraft, as defined in Title 6, section 3, subsection 5;

E. Watercraft, as defined in Title 12, section 2061, subsection 17;

F. Snowmobiles, as defined in Title 12, section 1971, subsection 3; and

G. Other machinery or equipment, whether mobile or stationary;

The provisions of this subsection do not apply to the sales of motor vehicles and equipment at auction by a governmental entity;

Sec. 6. 29 MRSA §341, sub-§1, as amended by PL 1981, c. 437, §3, is further amended to read:

1. Dealer. "Dealer" means every person engaged in the business of buying, selling, offering to negotiate a sale or exchanging vehicles who has an established place of business for such purpose in this State, and to whom a current dealer license has been issued by the Secretary of State. "Dealer" does not include departments or agencies of the State when selling, offering for sale or negotiating the sale of used state-owned motor vehicles.

Effective July 16, 1986.

CHAPTER 570

H.P. 1246 - L.D. 1756

AN ACT to Amend the School Construction Law.

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

Whereas, some municipalities will be holding referendum votes on school construction in conjunction with the June primary election; and

Whereas, nonemergency bills will not take effect until July if the Legislature adjourns in April; 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. 20-A MRSA §15904, sub-§1, as amended by PL 1985, c. 161, §4, and c. 248, §4, is repealed and the following enacted in its place:

1. Municipals schools. In a municipality where the responsibility for final adoption of the school budget is vested in a municipal council by municipal charter or in a town meeting, the vote shall be by referendum in accordance with the appropriate provisions set forth in Title 21-A and Title 30, except that the filing requirement contained in Title 30,