

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

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

Effective March 25, 1986.

CHAPTER 602

S.P. 846 - L.D. 2138

AN ACT to Clarify the Law Relating to
Authorization for Disinterment or
Removal.

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

22 MRSA §2843, sub-§2 is repealed and the following enacted in its place:

2. Permit for disinterment or removal. No dead human body may be disinterred or removed from any vault or tomb until the person in charge of the disinterment or removal has obtained a permit from the clerk of the municipality where the dead human body is buried or entombed. The permit shall be issued upon receipt of a notarized application signed by the next of kin of the deceased who shall verify that he is the closest surviving known relative and, where other family members of equal or greater legal or blood relationship also survive, that they are aware of, and do not object to, the disinterment or removal. Nothing contained in this subsection precludes a court of competent jurisdiction from ordering or enjoining disinterment or removal pursuant to section 3029 or in other appropriate circumstances.

Effective July 16, 1986.

CHAPTER 603

S.P. 713 - L.D. 1838

AN ACT to Correct Some Inconsistencies in the
Law Relating to the Financing of
Services in the Unorganized Territory.

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

Whereas, financing of county services in the unorganized territory is currently based upon the county fiscal year; and

Whereas, county fiscal years are generally not synchronized with the state fiscal year; and

Whereas, this lack of synchronization results in difficulties for the State and the counties in budgeting and auditing county budgets for the unorganized territory; 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 §3253-A, sub-§3, as enacted by PL 1985, c. 490, §5, is amended to read:

3. Tuition. The commissioner shall pay tuition for each tuition student in an amount equal to the official tuition rate approved pursuant to sections 5805, 5806, 5809 or 7302 for the receiving school for nonresident students enrolled in secondary schools or special education or vocational education programs, provided that the student maintains a satisfactory standard of deportment and scholarship. At the request of the school board of a receiving school administrative unit, the commissioner may pay up to 110% of the official tuition rate for students enrolled under this section.

Sec. 2. 20-A MRSA §3302-A, sub-§§4 and 5, as enacted by PL 1985, c. 490, §11, are amended to read:

4. Use of school property. The commissioner may rent or lease any unused school building or portion of a building for school-related purposes for any purpose which would not interfere with the school programs. The proceeds of the rentals or leases

shall be paid to the Unorganized Territory School Fund Unorganized Territory Education and Services Fund established in Title 36, chapter 115.

5. Disposal of property. The commissioner may sell, transfer or dispose of school property, books or equipment in the unorganized territory. The proceeds of any sale, transfer or disposal shall be paid to the Unorganized Territory School Fund Unorganized Territory Education and Services Fund established in Title 36, chapter 115.

Sec. 3. 20-A MRSA §3351, sub-§2, ¶M, as amended by PL 1985, c. 490, §14, is further amended to read:

M. For any other necessary capital expenses for providing schools in the unorganized territory, ~~including a capital reserve account for future construction and major renovations.~~

Sec. 4. 20-A MRSA §3351, sub-§3, as amended by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 5. 20-A MRSA §3351, sub-§4, as amended by PL 1981, c. 693, §§5 and 8, is further amended to read:

4. Gifts and bequests. The Treasurer of State may accept gifts, bequests and other funds from public or private agencies, subject to any conditions approved by the commissioner, to be credited to the fund Unorganized Territory Education and Services Fund established by Title 36, chapter 115. A gift, bequest or grant made for a particular designated project shall be credited to the fund created in this section Unorganized Territory Education and Services Fund.

Sec. 6. 20-A MRSA §3351, sub-§5, as amended by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 7. 30 MRSA §5903, as amended by PL 1985, c. 459, Pt. C, §8, is repealed and the following enacted in its place:

§5903. Budget

1. Procedure. Prior to November 7th of each year, the county commissioners of each county shall provide to the members of the legislative delegation a preliminary budget for the services to be provided under this chapter to the unorganized territory in

the next year. These preliminary budgets shall be provided in a form that shows how the funds are to be spent for each category of service identified in section 5901 and any projected surplus for the year of unorganized territory funds held by the county. The county commissioners shall provide an opportunity for public comment on the preliminary budget at the same time as a public hearing is held on the county budget, as provided under section 252. The budget for the unorganized territory shall be finalized at the same time as the regular county budget. A copy of the finalized budget and an accurate identification of any surplus which can be used to reduce the amount needed to be collected in taxes shall be submitted to the State Tax Assessor and to the fiscal administrator of each unorganized territory.

2. Budget year. In November 1986, the county commissioners shall provide a budget for each unorganized territory which covers the period which begins at the end of the period for which their previous budget was submitted and which ends on June 30, 1988. Each subsequent budget shall cover the period of July 1st to June 30th following the date the budget is provided.

Sec. 8. 36 MRSA §1608, first ¶, as amended by PL 1985, c. 459, Pt. C, §16, is further amended to read:

The fiscal administrator of the unorganized territory shall, by ~~September~~ December 1st annually, publish a financial report of the status of the Unorganized Territory Education and Services Fund subject to the following provisions.

Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
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EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF

Education in the Unorganized Territory	\$(16,844)	\$(35,372)
Deappropriates funds that were appropriated to cover the possibility of tuition reimbursement at 110% of the amount authorized for municipalities.		

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

Effective March 25, 1986.

CHAPTER 604

S.P. 729 - L.D. 1852

AN ACT Concerning Filing Fees to the Public Utilities Commission.

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

Sec. 1. 35 MRSA §104, sub-§6 is enacted to read:

6. Filing fee. Within 30 days after the application for approval of a reorganization is filed pursuant to subsection 3-A, the commission may order the applicant to pay a filing fee not to exceed \$50,000, if the commission determines that the application may involve issues which will necessitate significant additional costs to the commission. The applicant may request the commission to waive all or a portion of the filing fee. The commission shall rule on the request for waiver within 30 days. Notwithstanding any other provision of law, filing fees paid as required in this subsection shall be segregated, apportioned and expended by the commission for the purposes of processing the application. Any portion of the filing fee that is received from an applicant and is not expended by the commission to process the application shall be returned to the applicant.

Sec. 2. 35 MRSA §2326, as amended by PL 1983, c. 822, §3, is further amended by adding at the end a new paragraph to read:

The petitioner or petitioners requesting commission intercession shall pay to the commission an amount equal to \$1,000 per megawatt of capacity of the facility in issue. The petitioner or petitioners may request the commission to waive all or part of the filing fee. Notwithstanding any other provision of law, filing fees paid as required in this paragraph shall be segregated, apportioned and expended