

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
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1987

system which meets the criteria of the United States Food Security Act of 1985, Public Law 99-198, Section 1324, federal law provides that security interests in farm products cannot be protected or effective as to dealers or others in the business of purchasing those products unless lenders give direct notice of their security interests to all such buyers; and

Whereas, agricultural lenders in Maine have indicated their strong preference for a central filing system over direct notice; and

Whereas, if Maine fails to continue the central filing system contemplated by this federal law, the availability of farm financing in this State will be jeopardized; and

Whereas, the appropriation provided in this Act will allow the Secretary of State to continue to operate and implement the required system for security interests in farm products; 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. 5 MRSA §90-A is enacted to read:

§90-A. Central filing system for security interests in farm products

The Secretary of State may establish and operate a central filing system to record and provide notice of financing statements evidencing security interests in farm products. For this purpose, the Secretary of State may adopt rules, in accordance with the Maine Administrative Procedure Act, chapter 375, subchapter II, establish procedures and adopt a schedule of fees in conjunction with filing, registering, providing notices and other services performed by the Secretary of State in carrying out this section.

Receipt of notice by a registered buyer entitled to receive a master list of notices of filed effective financing statements shall be considered to occur on the date that a master list was sent or delivered by the Secretary of State.

Sec. 2. 11 MRSA §9-401, sub-§1, ¶(a-1), as repealed by PL 1985, c. 824, §2, is reenacted to read:

(a-1) When the collateral is farm products, a filing may be made with the Secretary of State in accordance with procedures adopted under Title 5, section 90-A.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

SECRETARY OF STATE, DEPARTMENT OF THE

All Other \$14,000
Operation of a central filing system for financing statements and other notices required to protect security interests.

Sec. 4. Retroactivity; application. This Act shall apply retroactively to February 1, 1987. The service provided by the Secretary of State as a central filing system shall be deemed to have continued uninterrupted upon passage of this Act.

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

Effective April 1, 1987.

CHAPTER 28

H.P. 550 — L.D. 737

AN ACT to Establish an Alien Trapping License.

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

Sec. 1. 12 MRSA §7133, sub-§1, ¶E is enacted to read:

E. Any nonresident alien is eligible to purchase a nonresident alien trapping license.

Sec. 2. 12 MRSA §7133, sub-§4, as repealed and replaced by PL 1983, c. 807, Pt. P, §11, is repealed and the following enacted in its place:

4. Schedule of fees. The fees for trapping licenses shall be as follows.

- A. Resident trapping \$29
- B. Resident junior trapping \$5
- C. Nonresident trapping \$304
- D. Nonresident alien trapping \$510

Effective September 29, 1987.

CHAPTER 29

H.P. 138 — L.D. 179

AN ACT to Make Lien Fees Consistent for Sewer Assessments and Real Property Taxes.

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

Sec. 1. 38 MRSA §1208, 2nd ¶, as amended by PL 1981, c. 183, §§1 and 2, is further amended to read:

The treasurer of the district shall have full and complete authority and power to collect the rates, tolls, rents and other charges established under section 1202 and the same shall be committed to him. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges, and without waiver of the right to sue for the same as ~~aforsaid~~, the lien hereby created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to him for collection, may, after the expiration of 3 months and within one year after the date when the same became due and payable, give to the owner of the real estate served, or leave at his last and usual place of abode, or send by certified mail, return receipt requested, to his last known address, a notice in writing signed by the treasurer or bearing his facsimile signature, stating the amount of that rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of the rate, toll, rent or other charge within 30 days after service or mailing, ~~with \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested, fee.~~ The notice shall contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of ~~said~~ a period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which the property of such person is located a certificate signed by the treasurer setting forth the amount of such rate, toll, rent or other charge, describing the real estate on which the lien is claimed, and stating that a lien is claimed on the real estate to secure payment of ~~said~~ the rate, toll, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as provided, the treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy thereof by certified mail, return receipt requested, to each record holder of any mortgage on ~~said~~ the real estate, addressed to such record holder at his last and usual place of abode. ~~The fee to be charged by the district to the rate payer for that notice and filing shall not exceed the amount authorized by Title 33, section 751, subsection 12, concerning district liens.~~

Sec. 2. 38 MRSA §1208, as amended by PL 1981, c. 183, §§1 and 2, is further amended by adding at the end 2 new paragraphs to read:

The costs to be paid by the owner of the real estate

served shall be the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by Title 33, section 751, subsection 12, plus \$13, plus all certified mail, return receipt requested, fees.

The district shall pay the treasurer \$1 for the notice, \$1 for filing the lien certificate and the amount paid for certified mail, return receipt requested, fees. The fees for recording the lien certificate shall be paid by the district to the register of deeds.

Effective September 29, 1987.

CHAPTER 30

H.P. 148 — L.D. 189

AN ACT Concerning the Provision of Legal Services by Eligible Law Students.

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

Whereas, this legislation provides that eligible law students who are nonresidents attending an American Bar Association approved law school, which is outside the State, may appear in court on behalf of this State or its agencies or may provide legal services for the indigent; and

Whereas, it is the purpose of this legislation to permit these students to undertake this type of employment this summer and to gain needed legal experience which can benefit the people of the State; and

Whereas, unless enacted as an emergency, this bill may not take effect until the summer is partially over, a situation which would deprive these students of summer jobs this year and partially frustrate the purpose of this legislation; 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:

4 MRSA §807, last ¶, as amended by PL 1975, c. 636, is further amended to read:

Notwithstanding any of the other provisions of this chapter and under such terms, conditions, limitations, qualifications and supervision as the Supreme Judicial Court shall by rule require, a senior law student ~~in a law school in this State approved by the American Bar Association or a senior law student who is a Maine resident and who is enrolled in a law school which is in another~~