

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

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PUBLIC LAWS

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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~~

~~state and~~ which is approved by the American Bar Association, may appear in the courts of the State on behalf of the State or an agency thereof, or under the supervision of an organization providing legal services to the indigent approved by the Supreme Judicial Court on behalf of an individual receiving services through such organization.

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

Effective April 3, 1987.

CHAPTER 31

S.P. 354 — L.D. 1071

AN ACT to Extend the Deadline for Reservation of License Plate Numbers.

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

Whereas, the Legislature enacted provisions of law for reservation of the same license plate number in a plate issuing year; and

Whereas, the deadline for notifying the Secretary of State and payment of \$5 to reserve the same number is April 1, 1987; and

Whereas, the Legislature has learned that many citizens who wish to reserve their same numbers will lose this right if the deadline is not extended by this Legislature; 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:

29 MRSA §191, sub-§1, as repealed and replaced by PL 1985, c. 725, Pt. H, §2, is amended to read:

1. **Plate issue year.** The Secretary of State shall reserve until July 1st the same registration number for the succeeding registration year for persons who notify the Secretary of State prior to ~~April~~ May 1st in writing of their desire to retain their registration number. The fee for retention of the same registration number is \$5.

If a person wishes to retain his registration number and does not have a vehicle to register on July 1st, he may hold his registration number for a maximum of 2 registration years by depositing with the Secretary of State the sum of \$10 for each year. These fees are not refund-

able and shall not be applied as part payment of the registration fee.

All numbers other than those reserved shall be released and issued in rotation after July 1st, except that a person wishing to select a number out of rotation may do so by paying his registration fee and a reserved number fee of \$5.

Holders of initial plates shall pay the sum of \$15 which shall be credited toward renewal of the initial plates reserved.

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

Effective April 3, 1987.

CHAPTER 32

H.P. 122 — L.D. 147

AN ACT to Clarify the Penalty Provisions for the Late Filing of Corporation Reports.

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

13-A MRSA §1302, sub-§1, as amended by PL 1981, c. 456, Pt. A, §49, is further amended to read:

1. Any corporation required to file an annual report as provided by section 1301 which fails to deliver its annual report for filing on or before June 1st of each year shall pay to the Secretary of State, in addition to the regular annual report fee, the sum of \$25 for each 30-day period, or portion thereof, the report is not filed. In no case ~~shall~~ may this penalty exceed \$300, regardless of the number of delinquent reports or the period of delinquency. Upon failure to file an annual report and to pay the annual report fee or the penalty, the Secretary of State, notwithstanding Title 4, chapter 25, and Title 5, chapter 375, shall revoke a foreign corporation's authority to do business in this State and suspend a domestic corporation from doing business. He shall use the procedures set forth in section 1210, relative to revoking right of foreign corporations to do business in this State, for suspending domestic corporations. A foreign corporation whose authority to do business in this State has been revoked under this subsection and which wishes to do business again in this State must be authorized as provided in section 1202. A domestic corporation which has been suspended under this subsection may be reinstated by filing the current annual report and by paying the penalty ~~for the current year and for each year that it has failed to file an annual report~~ accrued.

Effective September 29, 1987.