

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

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PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
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ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 63

H.P. 768 — L.D. 1031

AN ACT to Provide for the Creation of Liens and Sales on Small Motors.

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

Sec. 1. 10 MRSA §3951 is amended to read:

§3951. Lien created

Every individual, partnership or corporation, having an established place of business in this State, engaged in making, altering, repairing or cleaning any watch, clock, jewelry, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio and other electronic equipment, musical instruments, and in cleaning, repairing or pressing of clothes, or expending any labor or materials thereon, shall have a lien upon said the watch, clock, jewelry, clothes, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio and other electronic equipment and musical instrument for a reasonable compensation for said the labor and materials, which shall take precedence of all other claims and incumbrances. Such watch, clock, jewelry, clothes, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio and other electronic equipment and musical instrument shall be exempt from attachment or execution until such lien and the cost of enforcing it are satisfied.

Sec. 2. 10 MRSA §3952 is amended to read:

§3952. Sale after 6 months

The lien holder shall retain such watch, clock, jewelry, clothes, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio and other electronic equipment and musical instrument for a period of 6 months, at the expiration of which time, if such lien is not satisfied, he may sell such watch, clock, jewelry, clothes, electric motor, major and traffic appliance, small motor not to exceed 20 horsepower, radio and other electronic equipment and musical instrument at public or private sale, after giving 30 days' notice in writing to the owner, specifying the amount due, describing the property to be sold and informing him that the payment of such amount within 30 days shall entitle him to redeem such property. Such notice may be given by mailing the same addressed to the owner's place of residence if known, or if the owner's place of residence is unknown, a copy of such notice may be posted by the holder of such lien in 2 public places in the town, village or city where the property is held.

Effective September 29, 1987.

CHAPTER 64

H.P. 771 — L.D. 1034

AN ACT Requiring Proper Placement of Motor Vehicle Dealer Plates.

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

Sec. 1. 29 MRSA §194, as amended by PL 1971, c. 360, §15, is further amended to read:

§194. Manufacturers, dealers and transporters

The Secretary of State may select and issue a special distinguishing letter, mark or design for a number plate issued to manufacturers, dealers and holders of a transporter registration certificate. ~~Such plate may be attached to the rear of the vehicle and shall be always plainly visible.~~

Sec. 2. 29 MRSA §381, as amended by PL 1983, c. 818, §11, is further amended by adding at the end a new paragraph to read:

A manufacturer, dealer or transporter registration plate shall be attached to the rear of the vehicle and shall be plainly visible from the rear.

Effective September 29, 1987.

CHAPTER 65

H.P. 772 — L.D. 1035

AN ACT Relating to Rate-setting Procedures by Municipally-owned Utilities.

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

Sec. 1. 35 MRSA §71-A is enacted to read:

§71-A. Consumer-owned water utilities

For the purposes of this section and sections 72 to 73-A, "a consumer-owned water utility" means any water utility which is wholly owned by its consumers, including, but not limited to, any municipal or quasi-municipal water district or corporation, municipal water department or the water portion of any utility wholly owned by a municipality or district.

Sec. 2. 35 MRSA §72, as amended by PL 1985, c. 629, §4, is further amended to read:

§72. Municipal and quasi-municipal water companies

Notwithstanding section 69, ~~municipal and quasi-~~

~~municipal corporations consumer-owned water utilities~~ which are water companies within the definition of section 15, subsection 25, shall be subject to the suspension, investigation, hearing and rate substitution provisions of section 69 under the conditions specified in this section.

~~Municipal and quasi-municipal water corporations~~ Consumer-owned water utilities which elect to set rates under this section shall not file with the commission or increase any rate, toll or charge without first holding a public hearing at which any person, firm or corporation which pays those rates, tolls or charges to the ~~municipal or quasi-municipal water corporations consumer-owned water utilities~~ may testify and may question the officials present regarding such proposed increase. The ~~municipal or quasi-municipal water corporation consumer-owned water utility~~ as described in this section shall, at least 14 days prior to the hearing, publish a notice of the proposed rate increase and the hearing including the date, time, place and purpose of the hearing in a newspaper of general circulation in the area encompassed by the ~~municipal or quasi-municipal water corporation consumer-owned water utility~~. In addition, each ~~municipal or quasi-municipal water corporation consumer-owned water utility~~ shall give one notice of the proposed rate increase and the date, time and place of the hearing to each of its ratepayers. The published and individual notices shall include a statement describing the amount of the increase and the percentage increase for each customer class and copies shall be sent to the commission at least 14 days prior to the hearings. At the commencement of each hearing held pursuant to this section, the ~~municipal or quasi-municipal water corporation consumer-owned water utility~~ shall inform those present that the rate increase may be investigated by the Public Utilities Commission in accordance with this section. The water utility shall file its changed rates with the commission within 30 days of the public hearing, but not sooner than 10 days following the public hearing.

Subject to the notice and waiver requirements of section 64, water utilities electing to set rates under this section may establish an effective date for any rate change of at least one month, but not more than 9 months, from the date the rates are filed with the commission.

If, within 30 days of the public hearing, 15% of the customers of the ~~municipal or quasi-municipal water corporation consumer-owned water utility~~ or 1,000 customers, whichever is less, file with the treasurer of the ~~corporation utility~~ and with the Public Utilities Commission petitions demanding a review of the rate changes by the Public Utilities Commission, the rate change may be suspended, investigated, reviewed and changed in accordance with section 69, except that no suspension order issued by the commission pursuant to section 69 may be effective for a period greater than 9 months from the date the rate changes were filed. If the number of signatures on the petitions is 1,000 or if the number of signatures on the petitions equals or exceeds 15% of the customers indicated on the water utility's most recent annual report on file with the Public Utilities Commission, the commis-

sion may suspend the rate change pursuant to section 69. The commission shall notify the water utility of any such suspension. The water utility shall have 10 days from receipt of notice to notify the commission whether it intends to contest any aspect of the validity of the petitions, after which it shall lose that right. If the water utility notifies the commission in a timely fashion that it wishes to contest the validity of the petitions, the commission shall set the matter down for hearing. It shall hold the hearing and issue its decision on the validity of the petitions within 30 days of notification by the water utility that it intends to contest the validity of the petitions. If the commission finds the petitions to be invalid, it shall lift its order of suspension.

Nothing in this section may prohibit a ~~municipal or quasi-municipal water corporation consumer-owned water utility~~ from petitioning the Public Utilities Commission for review pursuant to section 69 in the first instance.

Upon review of a rate filing made pursuant to this section, the Public Utilities Commission may order the ~~municipal or quasi-municipal water corporation consumer-owned water utility~~ to correct any mathematical or clerical errors.

Sec. 3. 35 MRSA §72-A, as enacted by PL 1985, c. 716, is amended to read:

§72-A. Apportionment of costs for water main extensions or service lines

1. Investment. The governing body of a ~~municipal water department or quasi-municipal water district consumer-owned water utility~~ may choose to make no investment in a water main extension or service line and may require persons requesting a water main extension or service line to advance to the ~~department or district utility~~ the full cost of construction, including associated appurtenances required solely as a result of the construction of the water main extension or service line and used solely for the operation of the main extension or service line. Apportionment of the costs among customers shall be determined by the commission by rule.

2. Definitions. For the purposes of this section, a water main extension is an extension of the pipeline, including associated appurtenances, from an existing water main to serve a previously unserved location or a location served by a seasonal main, and a service line is the pipeline including the meter and other appurtenances extending from a water main to the building or other premises served.

3. Assessments. The governing body of a ~~municipal water department or quasi-municipal water district consumer-owned water utility~~ may assess the full cost of water main extensions on all property that abuts the water main in accordance with rules promulgated by the governing body. The owner of any property which is not hooked up to the water system may defer payment

of the assessment until it is hooked up. The governing body by rule may exempt appropriate classes of property from the assessment and may provide for payment of an assessment over a period of time.

4. Review by elected local officials. If the governing body of the ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility is not an elected body, any decision to make no investment under subsection 1 or to assess under subsection 3 must first be endorsed by the municipal officers of the municipality or municipalities involved, prior to filing with the commission.

Sec. 4. 35 MRSA §73, sub-§§1 and 2, as enacted by PL 1981, c. 438, §5, are amended to read:

1. Scope of section. Notwithstanding any other provision of law or any charter to the contrary and in addition to any charter or private and special laws creating or affecting any ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility, the rate, toll or charge made, exacted, demanded or collected by any ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility, is governed by this section.

2. Definition. As used in this section, the term "governing body" means the governing body of a ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility.

Sec. 5. 35 MRSA §73-A, as enacted by PL 1985, c. 708, is amended to read:

§73-A. System development charge

1. System development charge authorized. In addition to section 73, the governing body of a ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility may establish and file, pursuant to section 69 or 72, a system development charge which is just and reasonable to provide funds to finance capital outlays for water system expansion caused by an increase in demand for service.

2. Commission review. If a ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility elects to institute a system development charge, it shall file the proposed charge and a description of the basis of the charge with the commission not less than 90 days before the effective date of the charge. The commission shall investigate the system development charge under section 296 to determine whether it is just and reasonable.

3. Use of funds. The funds generated by the system development charge shall be deposited into a special account of the ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility dedicated to finance capital outlays for water system expansion caused by an increase in demand for service. The

funds from the special account shall be used only for the purpose of financing the expansion of the system and shall not be used for the repair or replacement of existing facilities unless the replacement is required as a result of increased demand for service. The system development charge shall not be treated as income of the ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility nor shall it be considered part of the rates established and filed pursuant to section 73.

4. Assessment of charge. The system development charge may be assessed upon all customers of the ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility that requires new connections to the water system, excluding fire service, as of or after the effective date of that charge and upon all existing customers of the ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility who substantially expand their demand for water service as of or after the effective date of that charge.

5. Water conservation programs. Before a system development charge may be instituted, the ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility must report to the commission its efforts in implementing water conservation programs. The ~~department or district utility~~ shall state what combination of system development charges and new conservation programs will allow the ~~department or district utility~~ to meet growing demand in the least costly manner.

6. Review by elected local officials. If the governing body of the ~~municipal water department or quasi-municipal water district~~ consumer-owned water utility is not an elected body, any system development charge proposed under this section must first be endorsed by the municipal officers of the municipality or municipalities involved, prior to filing with the commission.

Effective September 29, 1987.

CHAPTER 66

S.P. 59 — L.D. 126

AN ACT Concerning Notice of Evictions for Cause in Mobile Home Parks.

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

30 MRSA §4066-B, sub-§2, as enacted by PL 1975, c. 458, §5, is repealed and the following enacted in its place:

2. Notice. Termination of any tenancy in a mobile home park shall not be effective unless made in the following manner: