

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.

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PUBLIC LAWS

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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:

- A. By the tenant giving at least 45-days' notice to the park owner; or
- B. By the park owner entitled under subsection 1 to the mobile home space giving at least 45-days' notice in writing for that purpose to the tenant. In the event that the landlord or his agent has made at least 3 witnessed good faith efforts made on 3 separate days to serve the tenant, service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's space in the park. In cases where the reason for eviction is nonpayment of rent, the tenancy may be terminated by 30-days' notice given in the same manner.

Effective September 29, 1987.

CHAPTER 67

H.P. 798 — L.D. 1070

AN ACT Concerning Mandatory Workfare Participants.

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

22 MRSA §4318, as repealed and replaced by PL 1985, c. 489, §§8 and 14, is amended by adding at the end 2 new paragraphs to read:

No municipality may recover from any recipient who has been injured while performing work under section 4316-A, subsection 2, any portion of any medical or rehabilitative expenses associated with that injury or any portion of any other general assistance benefits associated with that injury.

Nothing in this section may be construed as limiting or affecting in any way the right of any individual to file an action under the Maine Tort Claims Act, Title 14, chapter 741.

Effective September 29, 1987.

CHAPTER 68

S.P. 372 — L.D. 1107

AN ACT Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1987; 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. 3 MRSA §507-B, sub-§10 is enacted to read:

10. Agencies scheduled for termination on June 30, 1986. Pursuant to section 507, subsection 8, paragraph A, the following independent agencies, scheduled for termination on June 30, 1986, are continued.

- A. Maine Arts Commission; and
- B. Maine State Museum.

Sec. 2. PL 1985, c. 813, §2, sub-§3, as amended by PL 1987, c. 5, is further amended to read:

3. Report. The task force shall submit its report, together with any necessary legislation to the Legislature prior to May 1, 1987 Second Regular Session of the 113th Legislature.

Sec. 3. Additional appropriation of General Fund. There is appropriated from the General Fund for the fiscal year ending June 30, 1987, to the departments listed, the following sums:

	1986-87
<u>ATTORNEY GENERAL, DEPARTMENT OF</u>	
District Attorneys Salaries	
Personal Services	\$60,000
Provides funds for increased retirement costs.	
<u>CONSERVATION, DEPARTMENT OF</u>	
Forestry — State Forest Nursery	
Personal Services	\$ 35,178
All Other	31,115
Provides funds for support of the Greenbush Forest Nursery in the 3rd and 4th quarters.	
Parks — General Operations	
All Other	184,984
Provides funds for workers' compensation payments in excess of budgeted dollars.	
Maine Forests for the Future Program	
Capital Expenditures	3,100
Provides funds to purchase a computer work station.	