

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
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

ment and the transfer of real estate in Maine; and

Whereas, amendments to the law enacted by Public Law 1987, chapter 419, are necessary to clarify its impact on residential lending, remove its retroactive effect and otherwise clarify its scope; 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:

38 MRSA §1371, as enacted by PL 1987, c. 419, §14, is repealed and the following enacted in its place:

§1371. Lien established

1. Established. All costs incurred by the State for the abatement, cleanup or mitigation of hazards posed by an uncontrolled hazardous substance site and all interest and penalties shall be a lien against the real estate of the responsible party.

2. Priority. The priority of a lien filed pursuant to this section shall be governed by the following.

A. Any lien filed pursuant to this section on real estate which encompasses an uncontrolled hazardous substance site shall have precedence over all encumbrances on the real estate recorded after the effective date of this section. The term, "real estate" in this paragraph includes all real estate of a responsible party which has been included in the property description of the affected real estate within the 3-year period preceding the date of filing of the lien or on or after the effective date of this section, whichever period is shorter.

B. Any lien filed pursuant to this section on any other real estate of the party responsible for the uncontrolled hazardous substance site shall have precedence over all transfers and encumbrances filed after the date that the lien is filed with the registry of deeds.

3. Notice. A certificate of lien signed by the Commissioner of Environmental Protection shall be mailed by certified mail, return receipt requested, to all those persons of record holding an interest in the real estate over which the commissioner's lien is entitled to priority under subsection 2, paragraph A. A certificate may be filed for record in the office of the clerk of any municipality in which the real estate is situated.

4. Recording. Any lien filed pursuant to this section shall be effective when filed with the registry of deeds for the county in which the real estate is located. The lien shall include a description of the real estate, the amount of the lien and the name of the owner as grantor.

5. Limitation. This section does not apply to a unit of real estate which consists primarily of real estate used or under construction as single or multi-family housing at the time the lien is recorded or to property owned by a municipality.

6. Discharge of lien. When the amount with respect to which a lien has been recorded under this section, has been paid or reduced, the commissioner, upon request by any person of record holding interest in the real estate which is the subject of the lien, shall issue a certificate discharging or partially discharging the lien. The certificate shall be recorded in the registry in which the lien was recorded. Any action of the foreclosure of the lien shall be brought by the Attorney General in the name of the State in the Superior Court for the judicial district in which the property subject to the lien is situated.

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

Effective July 7, 1987.

CHAPTER 541

H.P. 1237 — L.D. 1689

AN ACT to Amend the Civil Service Law to Set Standards for the Creation of Job Classification Specifications.

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

5 MRSA §7061, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed and the following enacted in its place:

§7061. Classification plan

The director, in accordance with policies and procedures established by the director and the Policy Review Board and in accordance with this section, shall record the duties and responsibilities of all positions in state service and establish classes for these positions. The titles of the positions and classes shall be used in all personnel, accounting, budget, appropriation and financial records of all state departments, commissions and institutions.

1. Involvement of commissioners and directors. In recording the duties and responsibilities of each position, the commissioners and directors of the departments and agencies of State Government shall be involved to the greatest extent possible.

2. Development of job classifications. Job classifications created pursuant to this section shall be developed to meet the needs of each department in the most efficient and pertinent manner.

3. Collective bargaining. The provisions of this section are subject to the requirements of Title 26, section 979-D, subsection 1, paragraph E. In negotiations over these subjects, the collective bargaining parties shall endeavor to establish standards or modify standards established under this section, for the preparation and updating of written job classification specifications that, at a minimum, shall result in specifications that accurately describe the duties and representative tasks of the job classification as well as other aspects of the job that are considered and evaluated under the compensation system and in specifications that distinguish each job classification within a job series. The collective bargaining parties shall bargain over these subjects in the separate negotiations over the subjects described in Title 26, section 979-D, subsection 1, paragraph E, subparagraph (1), divisions (g), (h) and (i), instead of in negotiations over all other negotiable subjects.

4. Implementation. The procedure established pursuant to this section shall be implemented by the bureau in conjunction with state agencies. State agencies shall provide sufficient employees and resources to efficiently and effectively implement this section.

A. The procedure shall provide for periodic updating of job descriptions at least every 5 years to accurately reflect current duties and responsibilities of each job classification.

5. Reclassification requests. The bureau shall act as expeditiously as possible on job reclassification requests which occur while this section is in effect. Nothing in this section may be construed to authorize the bureau to defer from acting expeditiously on job reclassification requests while the issue of job classifications is being addressed pursuant to this section.

6. Report. The director shall submit a progress report on or before February 15, 1988, to the joint standing committee of the Legislature having jurisdiction over state and local government.

7. Sunset. Subsection 3 is repealed March 15, 1988.

Effective September 29, 1987.

CHAPTER 542

S.P. 657 — L.D. 1880

AN ACT Relating to Study and Other Commission or Agency Schedules.

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

Whereas, it is vitally necessary that this legislation be enacted as an emergency measure in order that the several study commissions and committees may begin

to undertake their duties immediately; 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:

PART A

Sec. 1. Commission established. The Commission on the Feasibility of Constructing a Highway to the St. John Valley is established. The commission shall be composed of the Commissioner of Transportation; the Commissioner of Agriculture, Food and Rural Resources; the Director of the State Planning Office; the Director of the Regional Planning Commission and the Commissioner of Economic Development, if that position is created before the effective date of this Part. One member of the transportation committee is to be appointed by the President of the Senate and another member from the committee is to be appointed by the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 2 residents of Aroostook County, one person from the northern part of the county and the other person being from the central part of the county. The commission shall elect a chairman from among its members. The members of the commission shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council. The commission shall request staff assistance from the Legislative Council. The chairman of the Legislative Council shall convene the first meeting of the commission.

Sec. 2. Feasibility of highway. The commission shall study the feasibility of constructing a 4-lane highway, with controlled access, from the end of the existing Interstate 95 to the St. John Valley. The commission may conduct an impact study if necessary. The commission shall report its findings, together with any necessary legislation, to the Second Regular Session of the 113th Legislature by February 15, 1988.

Sec. 3. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Part.

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Commission on the Feasibility of Constructing a Highway to the St. John Valley

All Other	\$3,500
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This allocation provides funds for anticipated travel, printing and miscellaneous expenses of the commission.

Sec. 4. Resolve 1987, c. 47 is repealed.