

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND THIRTEENTH LEGISLATURE**

**FIRST SPECIAL SESSION**

**October 9, 1987 to October 10, 1987**

**SECOND SPECIAL SESSION**

**October 21, 1987 to November 20, 1987**

**and the**

**SECOND REGULAR SESSION**

**January 6, 1988 to May 5, 1988**

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

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**Twin City Printery**  
**Lewiston, Maine**  
**1988**

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST AND SECOND SPECIAL SESSIONS  
and  
SECOND REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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D. Handles any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or permit as may be required under this subchapter for such treatment, storage or disposal.

Notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1, or subsection 3, paragraph C, the fine for such violation shall not exceed \$50,000 for each day of such violation. In a prosecution under paragraph B or paragraph D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to him, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

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

Effective October 15, 1987.

## CHAPTER 546

H.P. 1393 — L.D. 1891

### AN ACT to Resolve Conflict Resulting from Repealing the Exemption of State Lottery Winnings from State Income Tax and Simultaneous Recodification of the Lottery Law.

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

Whereas, changes in the state law are necessary in order to improve the fairness of the state tax system; and

Whereas, it is necessary to enact these changes without delay in order to avoid continuation of unnecessary inequities and statutory conflicts; 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:

8 MRSA §388, as enacted by PL 1987, c. 505, §2, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall apply to tax years beginning on or after January 1, 1987.

Effective October 15, 1987.

## CHAPTER 547

H.P. 1382 — L.D. 1884

### AN ACT Amending the Law Concerning "Beano" or "Bingo" on Indian Reservations.

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

Whereas, an immediate change in the law concerning "beano" or "bingo" on Indian reservations is needed for clarification and for the efficient conduct of the bingo games; 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.** 17 MRSA §314-A, sub-§1, ¶A is enacted to read:

A. The Chief of the State Police may also issue, to any federally recognized tribe, licenses to sell lucky seven or other similar sealed tickets in accordance with section 324.

**Sec. 2.** 17 MRSA §314-A, sub-§7, as enacted by PL 1987, c. 197, §3, is amended to read:

7. Payment for services. Except as provided in paragraph A, an organization licensed under this section may pay the persons operating the high-stakes beano games for the organization no more than the minimum wage as established by Title 26, chapter 7, subchapter III. The persons need not be members of an organization licensed under this section.

A. An organization licensed under this section may contract for provision of professional legal, advertising, accounting and auditing services. The persons employed under a contract entered into under this paragraph may receive reasonable professional fees at a rate higher than minimum wage.

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

Effective October 19, 1987.

## CHAPTER 548

S.P. 674 — L.D. 1907

**AN ACT to Correct the Sewer Lien Law.**

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

Whereas, a new law recently became effective which inadvertently omitted some fees formerly collected by the sewer district treasurer upon payment of delinquent sewer fees; and

Whereas, this omission will result in these costs being borne by the sewer district with no ability to collect them from the delinquent sewer user; and

Whereas, confusion among sewer district treasurers regarding the change and why it was made will result in uneven treatment; 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 §1208, 2nd ¶, as amended by PL 1987, c. 29, §1, 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, 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 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 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 the real estate, addressed to such record holder at his last and usual place of abode.

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

Effective October 19, 1987.

**CHAPTER 549**

S.P. 667 — L.D. 1900

**AN ACT to Amend the Motor Vehicle Laws.**

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

Whereas, vehicles must be licensed for fuel tax reporting prior to the above date; and

Whereas, under current law some vehicles are unnecessarily required to be licensed and the vehicle's owner is required to pay the license fee; 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.** 29 MRSA §242, sub-§1, ¶A, as amended by PL 1983, c. 94, Pt. C, §1, is repealed and the following enacted in its place:

A. Automobiles used for the conveyance of passengers, \$20. Automobiles which are used interchangeably for the conveyance of passengers or property shall pay a \$20 fee. Such vehicles shall be designated as "combinations" and may be issued a special plate with the word "combination" in lieu of "Vacationland." Commercial plates shall not be issued to or