

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.

Twin City Printery
Lewiston, Maine
1988

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

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

displayed on automobiles. Motor vehicles used for the conveyance of passengers which are operated exclusively on islands having no roads maintained or supported by the State shall be registered for a fee of \$2.

For the purposes of registration only, a pickup truck may be registered as provided for automobiles provided that at no time shall the gross weight of a pickup truck so registered exceed 6,000 pounds when used as a motor truck or truck tractor. The owner of such a pickup truck desiring a gross weight in excess of 6,000 pounds shall register the truck as provided in section 246.

The registration fee for an electrically powered passenger vehicle with a gross vehicle weight of 6,000 pounds or less shall be \$10 greater than the registration fee for a similar vehicle powered by an internal combustion engine.

Sec. 2. 29 MRSA §246-A, sub-§2, as repealed and replaced by PL 1987, c. 472, §§1 and 4, is amended to read:

2. Vehicles requiring a fuel use identification decal. The following vehicles require a fuel use identification decal:

A. All motor vehicles or combination of vehicles propelled by internal combustion engines and, registered for a gross weight in excess of 26,000 pounds, regardless of the type of the fuel used; and which use fuel other than gasoline; and

~~B. All motor vehicles or combination of vehicles propelled by internal combustion engines with 3 or more axles, regardless of registered weight or type of fuel used; and~~

C. All other motor vehicles propelled by internal combustion engines designed to carry 20 or more passengers, regardless of the number of axles, registered weight or type of fuel used and which use fuel other than gasoline.

Interstate bus operators shall be required to obtain this decal on the same prorated basis as is used to determine fuel used within the State. The number of buses that the state mileage factor represents of the entire fleet mileage shall be required to display the fuel use identification decal or be issued a certified statement that the appropriate fee has been paid.

Farm vehicles and farm motor trucks subject to a limited inspection, as provided in section 2506, subsection 5, are not required to have a fuel use identification decal pursuant to this section.

Operators of one-way rental vehicle fleets shall be required to obtain the fuel decal on the same basis as is used to determine the number of vehicles registered in this State. The number of one-way vehicles that this registration factor represents of the entire one-way rental fleet shall be required to display the fuel use identification decal.

Sec. 3. 29 MRSA §360-A is enacted to read:

§360-A. Transit placard

A transit placard may be issued upon application to the Secretary of State by any person involved in the business of importing new motor vehicles to facilitate the movement over the highway of the motor vehicles from the port of entry to a storage yard within a 10-mile radius of the port.

A transit placard shall be displayed in or on any unregistered motor vehicle which is being operated or towed from the port to a storage yard. In no event shall any transit placard be used for any purpose other than that which is permitted under this section. Transit placards shall not be used on a towing vehicle.

Transit placards shall expire at the end of the month one year from the month of issue.

The fee for a transit license shall be \$100 annually and the fee for each placard shall be \$10. Government and quasi-government agencies shall not be assessed a fee.

Sec. 4. 29 MRSA §2448, last ¶, as enacted by PL 1987, c. 485, §18, is repealed.

Sec. 5. 36 MRSA §3202, sub-§9, as repealed and replaced by PL 1987, c. 472, §§2 and 4, is amended to read:

9. User. "User" means any person who is the registered owner of a motor vehicle which is registered for a gross weight of more than 26,000 pounds, ~~or which has 3 or more axles regardless of registered weight; or which is designed to carry 20 or more passengers, who and which uses and consumes special fuel within this State in an internal combustion engine for the generation of power to propel a motor vehicle.~~

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on January 1, 1988.

Effective January 1, 1988.

CHAPTER 550

H.P. 1400 — L.D. 1899

AN ACT Concerning Stored Lobsters.

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 laws concerning an increase in the minimum allowable size of lobsters trapped; and