

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
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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

agency, the person shall be placed ~~in a leave of absence status on a temporary assignment~~ by the person's employing agency ~~and~~. A supervisor shall report directly to the director or assistant director ~~and outside of, notwithstanding any existing command structure of the person's employing agency~~. Notwithstanding any other provision of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as supervisor.

4. Task force investigative agents. The investigative complement of each task force shall be comprised of task force investigative agents who shall be selected from municipal, county and state law enforcement agencies within the State. Agents shall be selected and appointed at the discretion of the director with the concurrence of the commissioner from among those officers nominated by the chief administrative officer of a prospective agent's employing agency. Agents shall serve at the pleasure of the director. ~~Persons appointed~~ Agents shall receive compensation, paid from the budget of the bureau, equivalent to that of a detective in the Maine State Police assigned to the Drug Enforcement Unit, with respect to both regular and overtime compensation with the additional credit given to seniority based upon law enforcement experience. All personnel selected as agents, whether from a municipal, or county or state law enforcement agency, shall be placed ~~in a leave of absence status on a temporary assignment~~ by the person's employing agency ~~and~~. An agent shall report directly to ~~their~~ the task force supervisor ~~and outside of, notwithstanding any existing command structure of the person's employing agency~~. Notwithstanding any other provisions of law, the person shall retain and continue to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as an agent.

Any person employed as a senior agent or special agent investigator within the Maine State Police may be temporarily assigned to the bureau. During such temporary assignment, the Maine State Police shall retain the positions of senior agent and special agent investigator.

5. Compensation; State Police personnel. Notwithstanding any other provision in this section, Maine State Police officers, senior agents and special investigative agents who are temporarily assigned to the bureau will continue to be paid from the budget of the Bureau of State Police, except that any additional compensation arising from such temporary assignment shall be paid from the budget of the bureau.

Sec. 9. 25 MRSA §2955, sub-§7 is enacted to read:

7. Compensation; State Police personnel. Notwithstanding any other provision in this section, Maine State Police officers, senior agents and special investigative agents who are temporarily assigned to the bureau will continue to be paid from the budget of the Bureau of State Police, except that any additional compensation

arising from such temporary assignment shall be paid from the budget of the bureau.

Sec. 10. 25 MRSA §2956, sub-§1 as enacted by PL 1987, c. 411, §5 is amended as follows:

1. Rules. ~~Notwithstanding any other provisions of law, the~~ The commissioner may adopt rules as to policies and practices in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, practices and policies respecting the administration of the bureau. The rules, practices and policies of the bureau shall be in conformity with state law and with the advice, consultation and direction provided by the board and shall accomplish the goal of an integrated drug enforcement effort. These rules, practices and policies may include:

- A. The qualifications, hiring, term of service and disciplinary standards for supervisors and agents;
- B. Protection as to financial and employment security for any law enforcement officer selected as any official of the bureau with respect to the person's position with any municipal, county or state law enforcement policy or political subdivision;
- C. Standard operating procedures for the bureau;
- D. Procurement procedures; or
- E. Procedures for dissemination of records.

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

Effective April 1, 1988.

CHAPTER 667

S.P. 864 — L.D. 2252

AN ACT to Correct Inconsistencies in the Publication of Legal Notices.

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

Sec. 1. 1 MRSA §601, as amended by PL 1967, c. 428, §1, is repealed and the following enacted in its place:

§601. Publication of legal notices and advertising

To be qualified as a medium for the publication of legal notices, legal advertising and other matter required by law to be published in a newspaper, a newspaper, unless otherwise ordered by the court in the proceedings, must be published and printed in whole or in part in this State; must be printed in the English language; must be entered as 2nd class postal matter in the United States mails at a post office in this State and must have general circulation in the vicinity where the notice is required

to be published. Any legal notice, legal advertising or other matter required by law to be published in a newspaper shall appear in all editions of that newspaper.

Sec. 2. 3 MRSA §121 is amended to read:

§121. Notice of petitions affecting individuals or corporations

Notice of any petition for legislation, affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least 14 days before the commencement of the next session, or by publishing such copy 3 weeks successively in ~~some newspaper printed a newspaper of general circulation~~ in the counties in which such individuals reside or such corporations are established; ~~or if no newspaper is there published, then in the state paper,~~ the last publication to be at least 14 days before the session. If further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered.

Sec. 3. 3 MRSA §125 is amended to read:

§125. Notice of petitions for special legislation pertaining to fish and game

Notice of petitions, bills or resolves for special legislation, regarding or in any manner pertaining to fish or game, shall be given with full description of the territory or waters affected by such legislation, in ~~some weekly publication nearest a newspaper of general circulation~~ in the locality so affected, at least once a week for 8 consecutive weeks, the last notice to be not less than one, nor more than 3 weeks before the assembling of the Legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the State shall for the purposes of this section be deemed special. This section shall not apply to any petition, Act or resolve, either repealing or amendatory, which has for its object the placing of the territory or waters in question under the general laws of the State.

Sec. 4. 6 MRSA §243, sub-§1 is amended to read:

1. Adoption of zoning regulations. No airport zoning regulations shall be adopted, amended or changed under this chapter, except by action of the legislative body of the political subdivision in question, or the joint board provided for in section 241, after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the hearing shall be published in ~~an official paper, or a paper newspaper~~ of general circulation, in the political subdivision or subdivisions in which the airport is located.

Sec. 5. 10 MRSA §1651 is amended to read:

§1651. Description of marks filed

All persons or corporations engaged in the sale of kerosene, refined petroleum, gasoline or other burning or illuminating oils or fluids, in cans of a capacity of not less than 5 gallons, with their names or other marks or devices branded, stamped, engraved, etched, impressed or otherwise produced upon such cans or anything connected therewith or appertaining thereto, may file in the office of the town or city clerk, in which their principal place of business is situated, a description of the names and marks used by them, and cause the same to be published once a week for 3 successive weeks in any newspaper published of general circulation in the county in which ~~said~~ the notice may have been filed.

Sec. 6. 13 MRSA §41 is amended to read:

§41. First meeting

The first meeting of any corporation chartered by special act of the Legislature, unless otherwise provided, shall be called by a notice signed by some person named in the act of incorporation, setting forth the time, place and purpose of the meeting, a copy of which shall be delivered to each member or published in a newspaper of general circulation in the county; ~~if any, otherwise in the state paper,~~ 7 days before the meeting.

Sec. 7. 13 MRSA §2692 is amended to read:

§2692. Notice

If the lands lie in one or more incorporated towns, a notice in writing shall be posted in some public place in each, and published ~~in the state paper, and~~ in one of the newspapers printed of general circulation in the county where any part of them lies, 14 days before the meeting; ~~but if not, in the state paper, and in one other newspaper, if any, in the county where any part of them lies, 4 weeks successively next before the meeting;~~ or the meeting may be warned by posting written notifications in some public place in each town where any proprietor resides, 14 days before the time appointed therefor.

Sec. 8. 14 MRSA §712 is amended to read:

§712. Service in actions for breach of duty of officer where principal out of State

In actions against sheriffs, deputy sheriffs and constables for breach of official duty where the principal defendant is out of the State, service may be made on such defendant by delivering a copy of the summons and of the complaint to each of the sureties on his official bond 14 days before the return day thereof, and the Superior Court may order further notice to the defendant by publication of an abstract of the complaint and order thereon in ~~some newspaper published a newspaper of general circulation~~ in the county where the complaint is returnable; or in the state paper or in such other manner as the court directs. If the order is complied with and

proved, the defendant shall answer to the action and judgment in such case has the same effect as if personal service was made upon the principal defendant.

Sec. 9. 14 MRSA §2202 is amended to read:

§2202. Notice of sale

The officer in such case shall give written notice of the time and place of sale to the debtor in person or by leaving the same at his last and usual place of abode, if known to be an inhabitant of the State, and cause it to be posted in a public place in the town where the land lies and in 2 adjoining towns, if so many adjoin; and if the land is situated in 2 or more towns, then in each of those towns and in 2 towns adjoining each of them; and if the land is in 2 or more counties and is contiguous, an officer in either county may take or seize on execution all the right of the debtor in such land, give, post and cause the notices to be published as required, and sell the whole right. When the land is not within any town, the notice shall be posted in 2 public places of the shire town of the county in which the land lies, instead of the posting aforesaid. When the debtor is not a resident of such county, the personal notice may be forwarded to him by mail, postage paid; all to be done 30 days before the day of sale. The notice shall be published for 3 weeks successively before the day of sale in a newspaper ~~printed in whole or in part~~ printed in general circulation in such county; ~~if any, otherwise in the state paper.~~

Sec. 10. 14 MRSA §4851 is amended to read:

§4851. Notice of sale

When judgment is recovered against a bridge, canal or other incorporated company with power to receive toll, its franchise may be sold on execution at public auction by giving notice of the time and place of sale by posting a notification in any town in which the treasurer, clerk or any officer thereof, if there are any officers, and if not, where any stockholder resides, for 30 days at least before the day of sale, and by causing an advertisement, naming the creditor thereon, to be inserted for 3 weeks successively in a newspaper printed of general circulation in a county where either of said officers, or, if the company is without officers, where any stockholder resides, the last publication being at least 4 days before the day of sale; ~~and if there is no newspaper printed in any such county, then in the state paper.~~

Sec. 11. 14 MRSA §4905 is amended to read:

§4905. Notice of sale

In selling such shares or interest, the officer holding the execution shall give notice in writing of the time and place of sale to the debtor, by leaving it at his last and usual place of abode if within the county where the officer dwells, otherwise by forwarding it to him by mail if his residence is known to such officer, postage paid, whether within or without the State and public notice thereof by

posting it in one or more public places in the town where the sale is to be made and in 2 adjoining towns, if there are so many, 30 days at least before the day of sale; and shall publish an advertisement of the same import, naming the judgment debtor, for 3 weeks successively before the day of sale in ~~some a~~ newspaper printed of general circulation in the county; ~~if any; if not, in the state paper.~~

Sec. 12. 14 MRSA §4952 is amended to read:

§4952. Notice and incidents of sale

The officer shall advertise in the state paper and in ~~one of the newspapers printed~~ a newspaper of general circulation in the county where the lands lie, if any, for 3 weeks successively, the names of such proprietors as are known to him, of the lands which he proposes to sell, with the amount of the execution or warrant of distress. Where the names of the proprietors are not known, he shall publish the numbers of the lots or divisions of said land and the last publication shall be 3 months before the time appointed for the sale. If necessary to complete the sale, he may adjourn it from day to day not exceeding 3 days. He shall give a deed to the purchaser of said land in fee, expressing therein the cause of sale. The proprietor of the land so sold may redeem it within a year after the sale by paying the sum for which it was sold, the necessary charges and interest thereon.

Sec. 13. 14 MRSA §6203, sub-§1, as amended by PL 1973, c. 625, §84, is further amended to read:

1. Public notice. He may give public notice in a newspaper; ~~as defined, having its principal place of business of general circulation~~ in the county where the premises are situated, if any, or if not, in a newspaper; ~~as defined, having its principal place of business of general circulation~~ in an adjoining county, ~~if any, or if not, in the state paper~~; 3 weeks successively, of his claim by mortgage on such real estate, describing the premises intelligibly and naming the date of the mortgage and that the condition in it is broken, by reason whereof he claims a foreclosure; and cause a copy of such printed notice, and the name and date of the newspaper in which it was last published, to be recorded in each registry in which the mortgage deed is or by law ought to be recorded, within 30 days after such last publication. All foreclosures of real estate mortgages between September 3, 1965 and February 8, 1966 and otherwise valid, except that public notice was given in a newspaper published and printed in whole or in part in the county where the premises are located rather than in a newspaper having its principal place of business in the county where the premises are located, are validated. For the purpose of this section a newspaper shall be defined as one printed in the English language and entered as second-class postal matter in the United States mails.

Sec. 14. 14 MRSA §6203-A, first ¶, as enacted by PL 1967, c. 424, §2, is amended to read:

Any mortgagee of real estate of a corporation having a mortgage containing a power of sale, or his assignee, or a person authorized by the power of sale, or the attorney duly authorized by a writing under seal, or the person acting in the name of such mortgagee or person, may, upon breach of condition and without action, do all the acts authorized or required by the power; but no sale under such power shall be effectual to foreclose a mortgage unless, previous to such sale, notice thereof has been published once in each of 3 successive weeks, the first publication to be not less than 21 days before the day of the sale, in a newspaper, ~~if any, published of general circulation in the town where the land lies. If no newspaper is published in such town, notice may be published in a newspaper published in the county where the land lies, and this~~ This provision shall be implied in every power of sale mortgage in which it is not expressly set forth. ~~A newspaper which by its title page purports to be printed or published in such town, city or county, and having circulation therein, shall be sufficient for the purpose.~~ A copy of said notice shall be served on the mortgagor or its representative in interest, or may be sent by registered mail addressed to it or such representative at its last known address, or to such person and to such address as may be agreed upon in said mortgage, at least 21 days before the date of the sale under the power in the mortgage.

Sec. 15. 14 MRSA §6308 is amended to read:

§6308. Notice by publication

When an amount due on a mortgage has been paid or tendered to the mortgagee or person claiming under him before foreclosure of the mortgage, and the mortgagee or his assignee is out of the State and the mortgage is undischarged on the record, the mortgagor or person claiming under him may maintain a civil action for the redemption of the mortgaged premises, as provided in section 6304, or for the discharge of the mortgage. On notice of the pendency of the action, given by publication ~~in some newspaper~~ a newspaper of general circulation in the county where said premises are situated for 3 weeks successively, the last publication being 30 days before the time of hearing, or in such other way as the Superior Court orders, said court may decree a discharge of such mortgage. The record of such decree in the registry of deeds where said mortgage is recorded is evidence of such discharge.

Sec. 16. 15 MRSA §2161, as amended by PL 1975, c. 771, §158, is further amended to read:

§2161. Notice to district attorney and Attorney General of all petitions for pardon or commutation

On all petitions to the Governor for pardon or commutation of sentences, written notice thereof shall be given to the Attorney General and the district attorney for the county where the case was tried at least 4 weeks before the time of the hearing thereon, and 4 weeks' notice in ~~some~~ a newspaper having its principal place of business

of general circulation in said county. If the crime for which said pardon is asked or for which commutation of sentence is sought is punishable by imprisonment in the State Prison, the Attorney General or the district attorney for the county where the case was tried shall, upon the request of the Governor, attend the meeting of the Governor or the Parole Board at which the petition is to be heard and the Governor shall allow said district attorney his necessary expenses for such attendance and a reasonable compensation for said district attorney's services to be paid from the State Treasury out of the appropriation for costs in criminal prosecutions. The Governor may require the judge and prosecuting officer who tried the case to furnish him or the Parole Board a concise statement thereof as proved at the trial and any other facts bearing on the propriety of granting pardon or commutation.

Sec. 17. 30 MRSA §3305 is amended to read:

§3305. Notice of meeting

Notice of ~~said~~ the meeting shall be served at least 14 days previous to the time appointed therefor, when all the proprietors reside in the town where the land lies, by reading the warrant to each proprietor, or giving him a copy in hand, or by leaving a copy at his usual place of abode. In case one or more of the proprietors reside without the town or plantation, notice of ~~such~~ the meeting shall be given them by publishing a copy of ~~such~~ the warrant in some newspaper printed of general circulation in the county or in the state paper 3 weeks successively, the last publication to be at least 14 days before the time appointed for ~~said~~ the meeting.

Sec. 18. 30 MRSA §4002, as amended by PL 1975, c. 431, §13, is further amended to read:

§4002. Proceedings by municipal officers

Whenever the municipal officers of such municipality are directed to take land as provided in section 4001, they shall, within 10 days, give written notice of their intention to take such land, describing the same and the time and place of hearing, by posting the same in 2 public places in the municipality where the land lies and in the vicinity thereof, and by publishing the same in a newspaper printed of general circulation in such municipality, 7 days before the day of such hearing, ~~if any, otherwise in a newspaper printed in the county where the land lies, 3 weeks successively, the last publication to be 7 days before such hearing.~~ The municipal officers shall meet at the time and place specified in the notice, view the land to be taken, hear all parties interested and if they decide that the land is suitable for the purpose, they shall take the same and estimate the damages to be paid to each owner, so far as known, in the same manner as provided by statute for land taken for highway purposes under Title 23, chapter 3, and make return of their doings in writing, signed by a majority of them, which return shall describe by metes and bounds the land so taken and state the purpose for which it is taken, the

names of the owners so far as known, and the amount of damages awarded to each. The return shall be filed and recorded in the clerk's office of such municipality and a copy thereof, certified by such clerk, shall be recorded in the registry of deeds for said county.

Sec. 19. 30 MRSA §4154, as amended by PL 1981, c. 456, Pt. A, §104, is further amended to read:

§4154. Proceedings by committee; record

The members of the committee mentioned in section 4153, before acting, shall be sworn before a notary public, and a certificate thereof shall be indorsed on the warrant. They shall give notice of their appointment, and of the time and place of their meeting to execute it, by publishing it in ~~some~~ a newspaper of general circulation in the State, to be designated by the court, and by posting written notification in 2 or more public places in the same plantation or town, if so ordered by the court, at least 30 days next prior to their meeting. They shall make return of said warrant and their doings thereon, under their hands, to the next Superior Court in the county after having completed service; which, being accepted by the court and recorded in the registry of deeds in the county or registry district where the land is situated, within 6 months, shall be a legal assignment and location of such public reserved lot or lots.

Sec. 20. 30 MRSA §4160 is amended to read:

§4160. Notice of appointment and meeting

The members of the committee shall give notice of their appointment and of the time and place of their meeting to execute the same, by publishing the same in ~~some~~ a newspaper of general circulation in the State to be designated by the court, and by posting written notifications in 2 or more public places in the same town, at least 30 days before making such location.

Sec. 21. 30 MRSA §4451, sub-§1, as amended by PL 1987, c. 23, is further amended to read:

1. Estimate and assessment of costs; notice. When any town or sewer district has constructed and completed a public drain or common sewer, the municipal officers or sewer district trustees shall determine what lots or parcels of land are benefited by the drain or sewer, and shall estimate and assess upon the lots and parcels of land and against the owner thereof or person in possession, or against whom the taxes thereon are assessed, whether the person to whom the assessment is so made shall be the owner, tenant, lessee or agent and whether the same is occupied or not, the sum not exceeding the benefit they may deem just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with any sewage disposal units and appurtenances that may be necessary, and in operation after May 31, 1979, the whole of the assessments not to exceed 1/2 the cost of the drain or sewer and sewage disposal units, and the drain or sewer shall forever there-

after be maintained and kept in repair by the town or sewer district. The municipal officers or sewer district trustees shall file with the clerk of the town the location of the drain or sewer and sewage disposal unit, with a profile description of the same, and a statement of the amount assessed upon each lot or parcel of land so assessed, and the name of the owner of the lots or parcels of land or persons against whom the assessment is made, and the clerk of the town and the sewer district trustees shall record the assessment in a book kept for that purpose, and within 10 days after filing notice each person so assessed shall be notified of the assessment by having an authentic copy of the assessment, with an order of notice signed by the clerk of the town or the chairman of the sewer district trustees stating the time and place for a hearing upon the subject matter of the assessments, given to each person so assessed or left at his usual place of abode in the town. If he has no place of abode in the town, then the notice shall be given or left at the abode of his tenant or lessee, if he has one in the town; if he has no tenant or lessee in the town, then by posting the notice in some conspicuous place in the vicinity of the lot or parcel of land so assessed, at least 30 days before the hearing; or the notice may be given by publishing it 3 weeks successively in any newspaper ~~published~~ of general circulation in the town, the first publication to be at least 30 days before the hearing. A return made upon a copy of the notice by any constable in the town or the production of the paper containing the notice shall be conclusive evidence that the notice was given, and upon the hearing the municipal officers or sewer district trustees shall have power to revise, increase or diminish any of the assessments, and any revisions, increase or diminution shall be in writing and recorded by the clerk and the sewer district trustees.

A. For the purposes of this section only, sewer district means a quasi-municipal corporation, as defined in section 5053, established to construct and operate sewerage systems to assist in the abatement of the pollution of public streams, lakes and inland and ocean waters.

Sec. 22. 30 MRSA §5309, 2nd ¶ is amended to read:

The Attorney General shall appear for and on behalf of the petitioner in such proceedings and the expense thereof shall be paid from any funds in the hands of said commissioner or commissioners in charge of the affairs of said municipality. The court may fix a time within which all persons, firms or corporations holding claims or demands against the inhabitants of such municipality shall file their claim or demand for adjudication of its validity as an obligation of said municipality. The court shall order public notice to creditors of the inhabitants of the municipality to file their claims within the time specified, by publication in a newspaper ~~published or printed~~ of general circulation in the county in which said municipality is located, ~~and if no newspaper is published or printed in said county, then in the state paper,~~ for at least 3 successive weeks, the last publication to be at least 30 days before the final date set by the court for

filing claims against the inhabitants of said municipality, and the court may order such additional notice to be given as in its discretion may be proper and necessary.

Sec. 23. 36 MRSA §1281, as amended by PL 1981, c. 706, §§13 and 14, is further amended to read:

§1281. Payment of taxes; delinquent taxes; publication; certificate filed in registry

Taxes on real estate mentioned in section 1602, including supplementary taxes assessed under section 1331, shall be delinquent on the first day of February next following the date of assessment. Annually, on or before February 20th, the State Tax Assessor shall send by mail to the last known address of each owner of such real estate upon which taxes remain unpaid a notice in writing, containing a description of the real estate assessed, the amount of unpaid taxes and interest, and alleging that a lien is claimed on that real estate for payment of those taxes, interests and costs, with a demand that payment be made by the next March 1st. In case the owners of any such real estate are unknown, instead of sending the notices by mail, he shall cause the information required in this section on such real estate to be advertised in the state paper and in some newspaper, if any, published of general circulation in the county in which the real estate lies. Such a statement or advertisement shall be sufficient legal notice of delinquent taxes. If those taxes and interest to date of payment and costs are not paid by March 1st, the State Tax Assessor shall record by March 15th, in the registry of deeds of the county or registry district where the real estate lies, a certificate signed by him, setting forth the name or names of the owners according to the last state valuation, or the valuation established in accordance with section 1331; the description of the real estate assessed as contained in the last state valuation, or the valuation established in accordance with section 1331; the amount of unpaid taxes and interest; the amount of costs; and a statement that demand for payment of those taxes has been made, and that those taxes, interest and costs remain unpaid. The costs to be charged by the register of deeds for such filing shall not exceed \$5.

Effective August 4, 1988.

CHAPTER 668

S.P. 910 — L.D. 2376

AN ACT to Provide for Allocations of the State Ceiling on Private Activity Bonds.

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

Whereas, the Maine Revised Statutes, Title 10, section 363, as enacted by Public Law 1985, chapter 594, section 1, and as amended by Public Law 1987, chapter 363,

sections 1 and 2 and as repealed and replaced by chapter 413, section 4, makes a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 1988, but leaves a portion of the state ceiling unallocated and does not provide sufficient allocations for certain types of private activity bonds which may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. 10 MRSA §363, sub-§1-A, as enacted by PL 1987, c. 413, §4, is amended to read:

1-A. Procedure. For calendar year 1987 and each subsequent calendar year, the Legislature may establish a procedure for allocation of the entire amount of the state ceiling by allocating an amount of the state ceiling to the specific issuers designated in this section for further allocation by each specific issuer to itself or to other issuers for specific bond issues requiring an allocation of the state ceiling or for carryforward. This procedure shall supersede the federal formula to the full extent that the United States Code, Title 26, authorizes the Legislature to vary the federal formula. Allocations may be reviewed by the Legislature periodically and unused allocations may be reallocated to other issuers, provided that, notwithstanding the existence of legislation allocating or reallocating all or any portion of the state ceiling, at any time during the period from ~~November~~ September 1st to and including December 31st of any calendar year, the issuers specifically identified in subsections 4 to 8 may, by unanimous written agreement executed by representatives of each of the issuers, allocate amounts not previously allocated and reallocate unused allocations from one of the specific issuers designated in this section to another specific issuer for further allocation or carryforward, with respect to the state ceiling for that calendar year only.

Sec. 2. Allocation to the Treasurer of State. Twenty million dollars of the state ceiling for calendar year 1988, previously allocated to the Treasurer of State, shall remain allocated to the Treasurer of State. Twenty million dollars of the state ceiling for calendar year 1989 is allocated to the Treasurer of State to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5.