

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

4. Intent. It is the intent of this section to provide information on municipal ordinances. This section shall not affect municipal authority to enact ordinances.

5. Failure to file. For any ordinance which is not filed with the board, with notice given to the board in accordance with this section, which is otherwise valid under the laws of this State, any provision that specifically applies to storage, distribution or use of pesticides shall be considered void and of no effect after the deadline for filing and until the board is given proper notice and the ordinance is filed with the board.

§1471-V. Local participation

1. Representation. When the board, under section 1471-M, considers the designation of a critical area or the establishment of a pesticide management plan for a critical area, the municipal officers of any affected municipality, or county commissioners in the case of unorganized territories, shall be given the opportunity to select a local representative to serve as an additional board member. For a given action, there shall be only one local representative who shall represent the affected municipality or unorganized territory.

2. Participation and voting procedure. A local representative appointed under this section may participate officially and vote in deliberations on the designation of a critical area or on the establishment of a pesticide management plan only for a critical area which is in the municipality or unorganized territory represented. A local representative may participate on the board until final designation of the critical area or final establishment of the pesticide management plan, including any administrative or judicial appeals. When the board considers a proposed critical area or pesticide management plan that affects more than one municipality, the board shall take separate action on the portion in each municipality.

3. Compensation. Local representatives shall be reimbursed only for expenses as regular board members during the period of their service, to be paid by the board.

Sec. 7. Pesticide storage. By July 1, 1989, the Board of Pesticides Control shall adopt rules governing the storage of pesticides for longer than 60 days, pursuant to the Maine Revised Statutes, Title 22, section 1471-O, and Title 7, section 610, subsection 2, paragraph B. Those rules shall provide for minimum state criteria for the siting, design and operation of facilities for the storage of pesticides for wholesale and retail purposes for longer than 60 days. The board may also establish, by rule, minimum quantities to be regulated.

Effective August 4, 1988.

CHAPTER 703

H.P. 1679 — L.D. 2308

AN ACT to Designate the Schooner Bowdoin as the Official State Vessel.

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

Sec. 1. 1 MRSA §218 is enacted to read:

§218. State vessel

The schooner "Bowdoin" shall be the official state vessel.

Sec. 2. Application and limitations. Section 1 shall take effect only in accordance with the provisions of this section. Nothing in this Act may be construed to require the State to be responsible for any liabilities or obligations incurred by the owner or owners of the schooner "Bowdoin." The State shall not be held responsible in whole or in part for the maintenance, repair, reconstruction or any other costs or obligations incurred by the schooner "Bowdoin." If ownership of the schooner "Bowdoin" is transferred to any entity other than a nonprofit corporation or to any person, firm or organization located outside the State or if the schooner is leased to any entity other than a nonprofit corporation, the designation of the schooner "Bowdoin" as the official state vessel shall be null and void.

Effective August 4, 1988.

CHAPTER 704

H.P. 1888 — L.D. 2583

AN ACT Concerning Charter Changes in Quasi-Municipal Corporations or Districts.

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

30 MRSA c. 250 is enacted to read:

CHAPTER 250

QUASI-MUNICIPAL CORPORATIONS OR DISTRICTS

§5501. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Affected municipalities. "Affected municipalities" means the municipalities of which part or all is embraced by the quasi-municipal corporation or district.

2. Charter amendment. "Charter amendment" means a change in the charter of a quasi-municipal corporation or district which is not a charter revision.

3. Charter revision. "Charter revision" means a change in the charter of a quasi-municipal corporation or district which has an effect on: Number of and method of selecting trustees; powers of trustees; powers of the corporation or district; election procedures, other than election dates; boundaries of the corporation or district; methods of establishing rates; debt limitation; methods of land acquisition, including eminent domain; amount of spending without voter approval; or liens.

4. Quasi-municipal corporation or district. "Quasi-municipal corporation or district" means any governmental unit embracing a portion of a municipality, a single municipality or several municipalities which is created by law to deliver public services but which is not a general purpose governmental unit. Quasi-municipal corporation or district does not include School Administrative Districts or hospital districts.

5. Quasi-municipal corporation or district voters. "Quasi-municipal corporation or district voters" means the voters within the boundaries of the quasi-municipal corporation or district.

§5502. Charter amendments

If, after the board of trustees of the quasi-municipal corporation or district holds a public hearing on the proposed amendment, the board unanimously votes in favor of an amendment to the charter of the quasi-municipal corporation or district, the board shall submit that amendment to the joint standing committee of the Legislature having jurisdiction over utilities to be included in the annual omnibus legislation as provided in section 5505. The amendment is effective upon the effective date of the omnibus legislation.

§5503. Charter revisions

1. Board of trustees and municipal legislative bodies. If, after the board of trustees of the quasi-municipal corporation or district holds a public hearing on the proposed revision, a majority of the board and a majority of each municipal legislative body of the affected municipalities vote in favor of a revision of the charter of the quasi-municipal corporation or district, the proposed revision shall be submitted to the quasi-municipal corporation or district voters in each affected municipality according to the procedures in section 5504. If the charter revision passes, the trustees of the quasi-municipal corporation or district shall submit that change to the joint standing committee of the Legislature having jurisdiction over utilities to be included in the annual omnibus legislation as provided in section 5505. The revision is effective upon the effective date of the omnibus legislation.

2. Alternative method, initiated petition. On the written petition of a number of voters equal to at least 20% of the total number of the votes cast in the affected municipalities in the last gubernatorial election, but in no case less than 10 voters, the proposed revision shall

be submitted to the quasi-municipal corporation or district voters in each affected municipality according to the procedures in section 5504. If the charter revision passes, the trustees of the quasi-municipal corporation or district shall submit that change to the joint standing committee of the Legislature having jurisdiction over utilities to be included in the annual omnibus legislation as provided in section 5505. The revision is effective upon the effective date of the omnibus legislation.

§5504. Procedure for referenda on charter changes

1. Board of trustees of quasi-municipal corporation or district. When a referendum on a charter revision is required under section 5503, the board of trustees of the quasi-municipal corporation or district shall initiate a corporation or district referendum and place before the voters the specific charter revision which has been proposed by the board or the petitioners.

2. Method of calling a corporation or district referendum. A corporation or district referendum shall be initiated by a warrant prepared and signed by a majority of the board of trustees. The warrant shall be countersigned by the municipal officers in each municipality where the warrants are posted.

A. The warrant shall direct the municipal officers of the affected municipalities to call a referendum on a date and time determined by the board of trustees. A warrant shall be prepared and distributed at least 30 days prior to the date of the referendum.

(1) The warrant shall be directed to a resident of one of the affected municipalities by name ordering the resident to notify the municipal officers of each of the affected municipalities to call a town meeting or city election on the date specified by the board of trustees. No other date may be used. The person who serves the warrant shall make a return on the warrant stating the manner of service and the time when it was given.

(2) The warrant shall be served on the municipal clerk of each of the affected municipalities by delivering an attested copy of the warrant in hand within 3 days of the date of the warrant. The municipal clerk, on receipt of the warrant, shall immediately notify the municipal officers within the municipality. The municipal officers shall forthwith meet, countersign and have the warrant posted.

(3) The warrants and other notices for the referendum shall be in the same manner as provided in Title 21-A.

B. The warrant shall set forth the articles to be acted on in each municipal referendum. The articles shall have the following form.

"Shall the charter of the quasi-municipal corporation or district of _____ be revised to _____ (insert summary of revision)?
Yes No "

3. Referendum procedures. The following procedures shall apply to a corporation or district referendum.

A. The board of trustees shall prepare and furnish the required number of ballots for carrying out the referendum as posted, including absentee ballots. It shall prepare and furnish all other materials necessary to fulfill the requirements for voting procedures.

B. Voting shall be held and conducted as follows.

(1) The voting at referenda held in towns shall be held and conducted in accordance with sections 2054 and 2061 to 2065, even though the town has not accepted the provisions of sections 2061 and 2062. The facsimile signature of the clerk under section 2061, subsection 5, paragraph F, shall be that of the chairman of the board of trustees. If a corporation or district referendum is called to be held simultaneously with any statewide election, the voting in towns shall be held and conducted in accordance with Title 21-A, except that the duties of the Secretary of State shall be performed by the board. The absentee voting procedure of Title 21-A shall be used, except that the duties of the Secretary of State shall be performed by the board.

(2) The voting at referenda in cities shall be held and conducted in accordance with Title 21-A, including the absentee voting procedure, except that the duties of the Secretary of State shall be performed by the board of trustees.

C. The return and counting of votes shall be as follows.

(1) The municipal clerk shall, within 24 hours of the determination of the results of the vote in the municipality, certify and send to the board of trustees the total number of votes cast in the affirmative and in the negative on the article.

(2) As soon as all of the results from all of the municipalities have been returned to the board of trustees, the board shall meet and compute the total number of votes cast in all of the affected municipalities in the affirmative and in the negative on the article.

(3) If the board of trustees determines that there were more votes cast in the affirmative than in the negative on the article, it shall declare that the article has passed.

(4) If the board of trustees determines that the total number of votes cast on the article in the affirmative is equal to or less than those cast in the negative, it shall declare that the article has not passed.

(5) The board of trustees shall enter its declaration and computations in its records and send certified copies of it to the clerk of each affected municipality.

4. Reconsideration. The procedure to reconsider votes taken at a corporation or district referendum shall be as follows.

A. The board of trustees shall, within 60 days, initiate a new corporation or district referendum to reconsider the vote of the previous referendum if, within 7 days of the first referendum, at least 10% of the number of voters voting for the gubernatorial candidates in the last gubernatorial election in the affected municipalities petition to reconsider a prior corporation or district referendum vote.

B. A reconsideration referendum is not valid unless the number of persons voting in that referendum is at least equal to the number who voted in the prior corporation or district referendum.

C. If the margin of the vote being reconsidered was between 10% and 25%, the petitioners shall post a bond with the petition equal to the actual and reasonable costs of the new referendum. If the margin of the vote being reconsidered exceeded 25%, the petitioners shall post an additional bond equal to the actual and reasonable costs which may be incurred as a result of the delay of an authorization or approval granted in the prior corporation or district referendum. If the petitioners are successful, the bonds shall be canceled.

5. Inspection and recount. Upon written application of 10% of the persons, or 100 persons, whichever is less, whose names were checked on the voting lists at any quasi-municipal corporation or district referendum held under this chapter, a ballot inspection or a recount hearing shall be granted. The time limits, rules and all other matters applying to candidates under sections 2063 and 2064 shall apply equally to applicants for either the inspection or recount.

§5505. Annual omnibus legislation

The joint standing committee of the Legislature having jurisdiction over utilities shall report each year an omnibus bill including amendments to and revisions of the charters of quasi-municipal corporations or districts which have been submitted to the committee as provided in this chapter.

§5506. General provisions

1. Other legislation not precluded. This chapter does not preclude the introduction of any legislation concerning quasi-municipal corporation or district charter amendments or revisions.

2. Effect of contrary charter provisions. Any portion of the charter of any quasi-municipal corporation or district which is contrary to this chapter has no effect.

3. Trustees' compensation; water districts and sewer districts. This chapter does not affect the procedures concerning changes in the compensation of trustees of

water districts and sewer districts as provided in Title 35-A, section 6303, subsection 4, and Title 38, section 1252, subsection 5.

Effective August 4, 1988.

CHAPTER 705

H.P. 1449 — L.D. 1960

AN ACT to Amend the Rules of Construction to Permit Use of Gender-Neutral Language in Maine Statutes.

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

Sec. 1. 1 MRSA §71, sub-§7, as amended by PL 1985, c. 737, Pt. C, §1, is repealed.

Sec. 2. 1 MRSA §71, sub-§7-A is enacted to read:

7-A. Gender. In the construction of statutes, gender-neutral construction shall be applied as provided in this subsection.

A. Whenever reasonable, as determined by the Revisor of Statutes, nouns rather than pronouns shall be used to refer to persons in order to avoid gender identification.

B. In preparing any legislation which amends a section or larger division of the Maine Revised Statutes, the Revisor of Statutes shall be authorized to change any masculine or feminine gender word to a gender-neutral word when it is clear that the statute is not exclusively applicable to members of one sex. The Revisor of Statutes shall not otherwise alter the sense, meaning or effect of any statute.

Effective August 4, 1988.

CHAPTER 706

H.P. 1725 — L.D. 2368

AN ACT to Revise the Solid Waste Law.

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

Sec. 1. 38 MRSA §1310-W, as enacted by PL 1987, c. 557, §5, is repealed.

Sec. 2. Application. Any ordinance adopted by the county commissioners of any county pursuant to the provisions of the Maine Revised Statutes, Title 38, section 1310-W, is void on the effective date of this Act.

Effective August 4, 1988.

CHAPTER 707

S.P. 981 - L.D. 2609

AN ACT to Amend the Maine Insurance Guaranty Association Law.

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

Sec. 1. 24-A MRSA §410, sub-§1, as repealed and replaced by PL 1983, c. 709, §1, is amended to read:

1. To qualify for authority to transact any one kind of insurance, as defined in chapter 9, or combination of kinds of insurance as shown below, an insurer shall possess and thereafter maintain unimpaired paid-in capital stock, if a stock insurer, or unimpaired basic surplus, if a foreign mutual or a reciprocal insurer, and when first so authorized shall possess initial free surplus, all in amounts not less than as determined from the following table.

A health, life and health or multiple line (as described in section 710) insurer may qualify for a certificate of authority to transact a legal services insurance business, as described in chapter 38, if it is otherwise qualified therefor and possesses and thereafter maintains, in addition to the amounts described in the following table, an additional amount of unimpaired paid-in capital stock, if a stock insurer, or unimpaired basic surplus, if a foreign mutual or reciprocal insurer, of not less than \$500,000.

An insurer may qualify for a certificate of authority to transact solely financial guaranty insurance as defined in section 709-A, if it is otherwise qualified therefor and possesses and thereafter maintains paid-in capital stock in the amount of \$2,500,000 and initial free surplus in an amount of \$47,500,000 or, if the insurer is a foreign mutual or reciprocal insurer, minimum required basic surplus in an amount of \$2,500,000 and initial free surplus in an amount of \$47,500,000.

Kind or Kinds of Insurance	Stock Insurers		Foreign mutual, Reciprocal Insurers	
	Minimum Required Capital Stock	Initial Free Surplus	Minimum Required Basic Surplus	Initial Free Surplus
Life	\$1,500,000	\$1,500,000	\$1,500,000*	\$1,500,000*
Health	1,000,000	1,000,000	1,000,000	1,000,000
Life and Health	2,500,000	2,500,000	2,500,000*	2,500,000*
Casualty	1,500,000	1,500,000	1,500,000	1,500,000
Marine and Transportation	1,500,000	1,500,000	1,500,000	1,500,000
Property	1,000,000	1,000,000	1,000,000	1,000,000