

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

SUMMARY: CURRENT SERVICES

Positions — Legislative Count	(9,666.0)	(9,666.0)
Positions — Other Count	(5,125.5)	(5,125.5)
Personal Services	\$ 401,745,848	\$ 413,741,869
All Other	1,830,124,852	1,940,387,375
Capital Expenditures	69,331,554	66,571,768
Total	\$2,301,202,254	\$2,420,701,012

PART B

Sec. 1. Basic elementary and secondary per pupil operating rate. The basic elementary per pupil operating rate for 1987-88 shall be \$2,030 and the basic secondary per pupil rate for 1987-88 shall be \$2,703.

Sec. 2. Basic education allocation. The basic allocation of state and local funds for 1987-88 for the purposes listed in this section shall be as follows:

	<u>1987-88</u>
<u>Operating costs</u>	
Elementary and secondary operating costs	\$ 468,933,028
Less Public Law 81-874 (Federal Impact Funds)	2,700,000
Operating costs net	<u>\$ 466,233,028</u>
<u>Program costs</u>	
Early childhood	\$ 499,775
Special education (local)	37,981,717
Special education (tuition and board)	9,193,325
Vocational education	14,229,370
Transportation operating	36,902,144
Subtotal	<u>\$ 98,806,331</u>
at 1.06%	104,734,711
Bus purchases	5,000,000
Program Costs Total	<u>\$ 109,734,711</u>
<u>Debt service costs</u>	
Principal and interest	\$ 35,000,000
Approved leases	1,400,000
Insured value factor	711,884
Debt Service Costs Total	<u>\$ 37,111,884</u>
TOTAL ALLOCATION	\$613,079,623

Sec. 3. Subsidy indexes. This section establishes mill rates as follows: Operating — 7.15 mills; Program millage limit — 1.43 mills; Debt Service millage limit — 0.55 mills.

Sec. 4. Appropriations. The appropriations provided in Part A for General Purpose Aid for Local Schools for the fiscal year beginning July 1, 1987, and ending June 30, 1988, were calculated as follows:

	<u>1987-88</u>
<u>STATE ALLOCATION ADJUSTMENTS</u>	<u>\$337,193,793</u>
Cost of Quality Incentive Adjustments	\$1,600,000
Cost of Unusual Enrollment Adjustments	1,500,000

Cost of Geographic Isolation Adjustments	200,000
Cost of Small Administrative Adjustments	150,000
Audit Adjustments	0
Special Education Hardship Grants	500,000
Special Education Tuition and Board for State Wards and Other Pupils Placed directly by State	2,400,000
1/5 of State Agency Client Placement	1,500,000
Cost of Reimbursement for Private School Services (1985-86 — \$700,000 at 50%)	<u>350,000</u>
Total Adjustments	<u>\$ 8,200,000</u>
TOTAL	<u>\$345,393,793</u>
LESS BALANCE FORWARD	<u>2,000,000</u>
TOTAL	<u>\$343,393,793</u>

Sec. 5. Limit of State's obligation. In the event that the State's continued obligation for any individual program contained within sections 2 and 4 exceeds the level of funding provided for that program, any unexpended balances occurring in other programs may be applied to avoid proration of payments for any individual program. Any unexpended balance from sections 2 and 4 shall not lapse, but shall be carried forward to be used for the same purpose.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1987.

Effective July 1, 1987.

CHAPTER 22

H.P. 416 — L.D. 550

AN ACT to Amend the Charter of the Waterville Sewerage District.

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

Sec. 1. P&SL 1949, c. 211, §5-C, as amended by P&SL 1957, c. 127, §1 and as enacted by P&SL 1985, c.99, §4, is repealed and the following enacted in its place:

Sec. 5-C. District boundaries. Amendments to expand the boundaries of the district must be approved by the voters of the district prior to consideration by the Legislature.

Sec. 2. P&SL 1949, c. 211, §5-D, as enacted by P&SL 1953, c. 92, §3, is repealed and the following enacted in its place:

Sec. 5-D. Assessment against lot benefited. When the district has constructed and completed a public drain or common sewer, the commissioners shall determine what lots or parcels of land are benefited by such drain or sewer, and shall estimate and assess upon such lots and parcels of land, and against the owner thereof, or person in possession, whether the person to whom the assessment is so made shall be the owner, tenant, lessee or agent or against the heirs or devisees of a deceased owner without designating any of them by name, and whether the same is occupied or not, such sum not exceeding the benefit as they may deem just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with sewage disposal units and appurtenances as may be necessary, the whole of the assessments not to exceed 2/3 of the cost of the drain or sewer and sewage disposal units. The commissioners shall file with the clerk of the district a plan showing the location of the drain or sewer and sewage disposal units, and their assessment roll containing a statement of the amount assessed upon each lot or parcel of land so assessed, a description of each lot or parcel, and the name of the person against whom the assessment is made, and the clerk of the district shall record the same in a book kept for that purpose, and each person so assessed shall be notified of the assessment by having an authentic copy of the assessment roll, with an order of notice signed by the clerk of the district, 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 at least 10 days before the hearing, or by mailing the same to each person so assessed by registered mail addressed to his last known address and by publishing the same once in any newspaper published in the district, the mailing and publication to be at least 10 days before the hearing; a return made upon a copy of such notice by a sheriff or his deputy or the production of the paper containing the notice or the certificate of the clerk of mailing and publication shall be conclusive evidence that the notice has been given and upon that hearing, the commissioners shall have power to revise, increase or diminish any of the assessments, and any revision, increase or diminution shall be in writing and recorded by the clerk.

Supplemental assessments may be made within 5 years from the date of any assessment roll whenever it appears any lot or parcel of land benefited has been omitted from the assessment or any part of the assessment, is invalid or void for any reason. The commissioners for the time being may make the supplemental assessment according to the procedure and the principles of the original assessment, and the supplemental assessment shall be valid even though it may, when added to the original, exceed 2/3 of the cost of the drain or sewer and sewage disposal units.

Sec. 3. P&SL 1949, c. 211, §5-E, as amended by P&SL 1957, c. 127, §1, is repealed and the following enacted in its place:

Sec. 5-E. Right of appeal. Any person, aggrieved by

the decision of the commissioners as it relates to the assessment for sewer construction, shall have the same rights of appeal as are provided in the case of laying out of town ways.

Sec. 4. P&SL 1949, c. 211, §§5-F and 5-G, as enacted by P&SL 1953, c. 92, §3, are repealed and the following enacted in their place:

Sec. 5-F. Assessments; liens; sheriff's sale. All assessments and supplemental assessments made under the provisions of section 5-D shall create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, which lien shall take effect when the commissioners file with the clerk the assessment roll and shall continue one year thereafter or for one year after the termination of any appeal; and, within 10 days after the date of hearing on the assessment, the clerk shall make out a list of all the assessments, the amount of each, and the name of the person against whom the same is assessed, and he shall certify the list and deliver it to the treasurer of the district; if the assessments are not paid within 3 months from the date thereof, the treasurer may bring an action of debt for the collection of the assessment in the name of the district against the person against whom the assessment is made. The action shall be begun by writ of attachment commanding the officer serving it to specially attach the real estate upon which the lien is claimed, which shall be served as other writs of attachment to enforce liens on real estate. The declaration in the action shall contain a statement of the assessment, a description of the real estate against which the assessment is made, and an allegation that a lien is claimed on the real estate to secure the payment of the assessment. If no service is made upon the defendant or if it shall appear that any other persons are interested in the real estate, the court shall order such further notice of the action as appears proper, and shall allow the other persons to become parties thereto. If it shall appear upon trial of the action that the assessment was legally made against the real estate, and is unpaid, and that there is an existing lien on the real estate for the payment of the assessment, judgment shall be rendered for the assessment, interest and costs of suit against the defendants and against the real estate upon which the assessment was made, and execution issued thereon to be enforced by sale of the real estate in the manner provided for a sale or execution of real estate attached on original writs. Provided that in making the sale the officer shall follow the procedure in selling and conveying and there shall be the same rights of redemption as are provided in the Maine Revised Statutes of 1944, chapter 81, section 94.

Sec. 5-G. Additional method of collection of assessments. If assessments under the provisions of section 5-D are not paid, and the district does not proceed to collect the assessments by a sheriff's sale of the real estate upon which the assessments are made under section 5-F, or does not collect or is in any manner delayed or defeated in collecting the assessments by a sheriff's sale of the real estate under section 5-F, then the district, in the

name of the district, may maintain an action against the party so assessed for the amount of the assessment, as for money paid, laid out and expended, in any court competent to try the same, and in the suit may recover the amount of the assessment with 10% interest on the same from the date of the assessments and costs.

Sec. 5. P&SL 1949, c. 211, §5-H, as enacted by P&SL 1957, c. 127, §3, is repealed and the following enacted in its place:

Sec. 5-H. Assessments paid by other than owner, how recovered. When any assessment under the provisions of section 5-D shall be paid by any person against whom the assessment has been made, who is not the owner of the lot or parcel of land, then the person so paying the same shall have a lien upon the lot or parcel of land with the buildings thereon for the amount of the assessment so paid by the person, and incidental charges, which lien shall continue for one year and which lien may be enforced in an action of assumpsit as for money paid, laid out and expended, and by attachment in the way and manner provided for the enforcement of liens upon buildings and lots under the provisions of the Maine Revised Statutes of 1944, chapter 164.

Sec. 6. P&SL 1949, c. 211, §5-I, is enacted to read:

Sec. 5-I. Lien certificate; procedure. Liens on lots or parcels of land created by section 5-F, in addition to other methods established by law, may be enforced in the following manner.

The treasurer may, after the expiration of 8 months and within one year after the date of the assessment roll or termination of any appeal, give to the person against whom the assessment is made, or leave at his last and usual place of abode, or send by registered mail to his last known address, a notice in writing signed by the treasurer stating the amount of the assessment, describing the real estate on which the assessment is made, alleging that a lien is claimed on the real estate to secure the payment of the assessment and demanding the payment of the assessment within 10 days after service or mailing of the notice. In the case of supplemental assessments, the treasurer may give the notice after the expiration of 8 months and within one year after the date of the supplemental assessment roll or termination of any appeal therefrom. If an owner or occupant of real estate against whom any assessment is made shall die before the demand is made on him, the demand may be made upon the executor or administrator of his estate or upon any of his heirs or devisees.

After the expiration of the 10 days and within 10 days thereafter, the treasurer shall record in the registry of deeds of the county where the real estate is situated, a tax lien certificate signed by the treasurer setting forth the amount of the assessment, a description of the real estate on which the assessment is made and an allegation that a lien is claimed on the real estate to secure the payment of the assessment, that a demand for pay-

ment of the assessment has been made in accordance with the provisions of this section, and that the assessment remains unpaid. When the real estate of a deceased person has been assessed to his heirs or devisees without designating any of them by name it will be sufficient to record in the registry a lien certificate in the name of the heirs or the devisees of the decedent without designating them by name.

At the time of the recording of the lien certificate in the registry of deeds as provided in this section, in all cases the treasurer shall file in the office of the district a true copy of the lien certificate and shall send by registered mail to each record holder of a mortgage on the real estate, to his last known address, a true copy of the lien certificate.

The costs to be paid by the person assessed shall be \$3 plus the recording fees and registered mail fees paid for sending the true copies of the lien certificate.

The filing of the lien certificate in the registry of deeds shall create a mortgage on the real estate to the district having priority over all other mortgages, liens, attachments and encumbrances of any nature, except claims for municipal taxes, and shall give to the district all the rights usually incident to a mortgagee, except that the district shall not have any right of possession of the real estate until the right of redemption in this Act provided for shall have expired.

The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage.

In the event that the assessment, interest and costs shall be paid within 12 months after the filing of the lien certificate in the registry of deeds, the treasurer shall prepare and record a discharge of the mortgage in the same manner as is now provided for the discharge of real estate mortgages.

If the mortgage, together with interest and costs, shall not be paid within 12 months after the date of the filing of the lien certificate in the registry of deeds, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired.

The lien certificate, or a certified copy of the registry record thereof, shall be prima facie evidence in all courts in all proceedings by and against the district, its successors and assigns, of the truth of the statements therein and after the period of redemption has expired, of the title of the district to the real estate therein described, and of the regularity and validity of all proceedings with reference to the acquisition of title by the mortgage and the foreclosure thereof.

Sec. 7. P&SL 1949, c. 211, §10, as amended by P&SL 1985, c. 99, §8, is further amended by adding at the end a new paragraph to read:

The rates may include a readiness-to-serve charge

against owners or persons in possession, or against whom taxes are assessed, of all buildings or premises intended for human habitation or occupancy which are accessible to sewers or drains of the district, but not actually connected to them, whether or not the buildings or premises are occupied. A building or premises shall be deemed to be accessible to a sewer or drain of the district for purposes of this section if the building or premises, or any private sewer or drain directly or indirectly connected to it or carrying waste water or commercial or industrial waste from it, comes at any point within 100 feet of a sewer or drain of the district, provided that the owner of the building is not required to acquire any real property or easement in real property for the sole purpose of making the connection.

Effective September 29, 1987.

CHAPTER 23

H.P. 922 — L.D. 1234

AN ACT to Fund and Implement Collective Bargaining Agreements with Vocational-technical Institute System Employees Represented by the Maine Teachers Association, the Maine State Employees Association and the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain Vocational-technical Institute System Employees Excluded from Bargaining.

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

Whereas, certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of tentative collective bargaining agreements negotiated by the Executive Branch on behalf of vocational-technical institute system employees which require legislative action; and

Whereas, the Governor and the Legislature also share a desire to address the needs of certain vocational-technical institute system employees excluded from collective bargaining units on a timely basis; 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. Appropriation from the General Fund.

There is appropriated from the General Fund the sum of \$471,156 for the fiscal year ending June 30, 1987, to offset fiscal year 1987 salary and benefit costs of Maine Vocational-technical Institute System employees.

Sec. 2. Special account funding. Funding provided by this Act shall be segregated into a special account in the Department of Finance to be made available to the Board of Trustees of the Maine Vocational-technical Institute System as needed upon recommendation of the State Budget Officer, with the approval of the Governor. Except as indicated otherwise in collective bargaining agreements or policy adopted by the board of trustees for nonbargaining unit employees, funds provided by this Act shall include retirement costs.

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

Effective May 20, 1987.

CHAPTER 24

H.P. 1103 — L.D. 1494

AN ACT to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1988, and June 30, 1989.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable on or immediately after July 1, 1987; 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. Allocation of Ground Water Oil Clean-up Fund. Income to the Ground Water Oil Clean-up Fund for the next 2 fiscal years ending June 30, 1988, and June 30, 1989, shall be segregated, apportioned and disbursed as designated in the following schedule:

1987-88 1988-89

ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

Oil and Hazardous Materials Control