

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
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

estate. After the expiration of the period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of Somerset County 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 the 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 the certificate and shall mail a true copy by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at his last and usual place of abode. The fee to be charged by the district to the ratepayer for that notice and filing shall not exceed the amount authorized by the Maine Revised Statutes, Title 33, section 751, subsection 12, concerning district liens.

The filing of the certificate in the registry of deeds shall create a mortgage on the real estate therein described to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and shall give to the district all the rights usually possessed by mortgagees, except that the district as mortgagee shall not have any right to possession of the real estate until the right of redemption provided for shall have expired. If the mortgage, together with interest and costs, has not been paid within 18 months after the date of filing of the certificate in the registry of deeds, as provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage provided for. In the event that the rate, toll, rent or other charge, with interest and costs, has been paid within the period of redemption provided for, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

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

Effective March 23, 1988.

CHAPTER 96

H.P. 1601 — L.D. 2192

AN ACT Relative to the Union of the Trustees of the Maine Annual Conference of the United Methodist Church and the Trustees of the New Hampshire Annual Conference of the United Methodist Church.

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

Sec. 1. Union of conferences. The Trustees of the Maine Annual Conference of the United Methodist Church, a corporation created by an Act of the Legislature of the State of Maine, and the Trustees of the New Hampshire Annual Conference of the United Methodist Church, a corporation created by an Act of the Legislature of the State of New Hampshire, shall be united and made one corporate body bearing the name "Trustees of the Northern New England Annual Conference of the United Methodist Church." The united trustees shall be incorporated under an Act of the Legislature of the State of New Hampshire.

Sec. 2. Property. The Trustees of the Northern New England Annual Conference of the United Methodist Church shall succeed to and hold all property and powers formerly vested in the Trustees of the Maine Annual Conference of the United Methodist Church and any other property or powers conferred to the trustees of the Northern New England Annual Conference of the United Methodist Church by any other jurisdiction.

Sec. 3. Transfers. Any gift, devise, bequest or other transfer of property of any kind made to the Maine Annual Conference of the United Methodist Church or the Trustees of the Maine Annual Conference of the United Methodist Church, at any time heretofore or hereafter shall be deemed, after the effective date of this Act, to have been made to the Trustees of the Northern New England Annual Conference of the United Methodist Church.

Sec. 4. Local Maine churches. Trustees of local churches in the State shall continue to become corporations automatically without further action on their part, pursuant to the Maine Revised Statutes, Title 13, section 2982.

Sec. 5. Acceptance of union. The corporations to be united shall continue their present organizations until the union shall have been accepted by each corporation at a meeting duly called and held for that purpose. If the union is accepted by both of the original corporations, a first meeting of the new corporation shall be held and at that meeting the organization of the new corporation shall be completed. When the new corporation is fully organized and has received all property of the original corporations, including all trust funds, the powers given the Trustees of the Maine Annual Conference of the United Methodist Church, by prior Acts of the Legislature of the State, shall thereupon cease.

Sec. 6. Effective date. Sections 1 to 5 of this Act shall take effect when the union is accepted by the 2 corporations, provided that, if the union is not accepted before September 1, 1993, this Act is repealed on September 1, 1993. Certification of the acceptance shall be made to the Secretary of State by an officer of the Trustees of the Northern New England Annual Confer-

ence of the United Methodist Church. The certification shall state the date of the acceptance and shall be prima facie evidence of acceptance. The Secretary of State shall immediately transmit certified copies of the certification of acceptance to the Secretary of the Senate and the Clerk of the House of Representatives.

Effective August 4, 1988, unless otherwise indicated.

CHAPTER 97

H.P. 1724 — L.D. 2367

AN ACT to Amend the Charter of the Portland Water District.

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

Whereas, the existing charter of the Portland Water District provides for the election of trustees to be held usually on the 4th Tuesday of May; and

Whereas, the Town of Cape Elizabeth conducts its municipal election during the month of May; and

Whereas, the statewide primary is conducted on the 2nd Tuesday in June, and if the date the district election is not changed, it will be necessary to conduct 3 elections in the Town of Cape Elizabeth within a 6-week period; and

Whereas, the trustee who represents the Town of Cape Elizabeth also represents the Town of Gorham and it would be inappropriate for the district election from the area to be coterminous with the municipal election of the Town of Cape Elizabeth; 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. P&SL 1907, c. 433, §18, 2nd ¶, as amended by P&SL 1981, c. 10, §1, is repealed and the following enacted in its place:

Trustees shall be elected for the term of 5 years at elections to be specially called and held in each municipality on the 4th Tuesday of May of each year or as hereinafter described. When there is a trustee to be elected by the voters of the Cities of Portland or South Portland, or both, and when either city is holding its own election of municipal officers in May, the election of the trustee to represent each city shall be held concurrently with the municipal election, and the city and the district shall

equally share the cost of that municipal election. When there is a trustee to be elected to represent 2 or more municipalities and there is a mutually coincident municipal election within those municipalities in the month of May, the election of the trustee shall be held on that same day. When there is not a mutually coincident election in May within those municipalities, then the election of the trustee to represent that area shall be held concurrently with the statewide primary in June. In the years in which there is no statewide primary, the trustee election in those municipalities shall be held on the 2nd Tuesday in June. Costs for elections held concurrently with the state primary or municipal elections shall be divided between the municipality or state and the district. When there is a division of costs, the district shall be responsible for all costs attributable to the district's share of the election. Costs for an election held solely for the election of the district's trustee shall be paid by the district. In the event that any such election for a trustee results in a tie vote, the other trustees shall select the person who shall become a trustee.

Sec. 2. P&SL 1907, c. 433, §18, 3rd ¶, last sentence, as amended by PL 1981, c. 10, §2, is repealed and the following enacted in its place:

Nomination papers shall be submitted to each municipal clerk of the municipalities within that area during business hours on or before the 21st day next prior to the day of election.

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

Effective March 25, 1988.

CHAPTER 98

H.P. 1713 — L.D. 2352

AN ACT to Amend the Waldoboro Sewer District Charter.

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

Sec. 1. P&SL 1963, c. 146, §14, 3rd ¶, 2nd to 6th sentences, are repealed and the following enacted in their place:

Nomination papers shall be made available by the municipal clerk to prospective candidates during the 40 days prior to the final date of filing and, before issuance, the town clerk may complete each sheet by filling in the name of the candidate, the title and term of office which is being sought. Each voter who signs a nomination paper shall add his place of residence with the street and number, if any. The voter may subscribe only to as many nomination papers for each office as there are vacancies to be filled. All nomination papers shall be filed with the clerk during business hours on or before