

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

in the preamble, this Act shall take effect when approved.

Effective March 30, 1988.

CHAPTER 101

S.P. 951 — L.D. 2516

AN ACT Relating to the Provisions of the Charter of the Veazie Sewer District.

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

Whereas, certain provisions of the Charter of the Veazie Sewer District are inadequate for the district to properly carry out its functions; and

Whereas, this condition prevents the Veazie Sewer District from effectively administering the business of the district, including the collection of unpaid rates; 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:

P&SL 1951, c. 114, §§16 and 17 are enacted to read:

Sec. 16. Rates. All persons and all corporations, private, public and municipal, shall pay to the treasurer of the district rates established by the board of trustees for the services used or available to them, which rates shall be uniform within the district and, notwithstanding any other provision of this Act, may include rates for the district's readiness to serve charged against owners of land abutting on or accessible to sewers or drains of the district, but not actually connected to them and shall be so established as to provide revenue for the following purposes:

1. Current expenses. To pay the current expenses for operating and maintaining the sewerage system;

2. Interest. To provide for the payment of the interest on the indebtedness of the district; and

3. Sinking fund. To provide each year a sum, in the amount prescribed by section 9, which sum shall be paid into any sinking fund established pursuant to section 9.

Sec. 17. Lien for payment of rates. There shall be a lien to secure the payment of rates and other lawful charges established under section 16 and legally assessed on real estate served or benefited by the sewers of the district, which shall take precedence over all other claims

on the real estate, excepting only claims for taxes.

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 16 and those charges shall be committed to the treasurer. The treasurer may sue, after demand for payment, 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 those charges, the lien created in this section may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to the treasurer for collection, may, after the expiration of 3 months and within one year after the date when the rate, toll, rent or other charge became due and payable, give to the owner of the real estate served, or leave at the last and usual place of abode, or send by certified mail, return receipt requested, to owner's last known address, a notice in writing signed by the treasurer or bearing the treasurer's 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 Penobscot County a certificate signed by the treasurer setting forth the amount of the 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 that charge 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 the record holder's last and usual place of abode.

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.

The costs to be paid by the owner of the real estate served shall be the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by the Maine Revised Statutes, Title 33, section 751, subsection 12, plus \$13, plus all certified mail, return receipt requested, fees.

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

Effective March 30, 1988.

CHAPTER 102

H.P. 1604 — L.D. 2195

AN ACT to Amend the Law Allowing the Town of York to Repair Certain Private Roads.

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

Whereas, it is desired to begin repair of Old County Road during 1988; and

Whereas, for the Town of York to be authorized to repair such private roads, a petition concerning the road in question must be presented at the annual budget meeting; and

Whereas, this meeting is generally held in April; and

Whereas, the required authorization by the State Legislature for this repair will not take effect until after this town meeting unless passed on an emergency 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:

P&SL 1985, c. 33, §1 is amended to read:

Sec. 1. Authorization. The Town of York is authorized to perform work on private roads within town approved subdivisions and on the road within the Town of York known as Old County Road, which runs south from Mt. Agamenticus Road, subject to the provisions of this Act, for the purpose of bringing those roads into conformity with the road standards adopted by the town. A private road is defined as a road which has never been accepted by the town's legislative body as a town way, private way or a public easement and over which the general public has no legal right of access.

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

Effective April 1, 1988.

CHAPTER 103

H.P. 1777 — L.D. 2430

AN ACT to Fund and Implement a Collective Bargaining Agreement with Certain Vocational-Technical Institute System Employees Represented by the Maine Teachers Association.

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 the Maine Vocational-Technical Institute System 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 bargaining agreements negotiated by the Executive Department on behalf of the Maine Vocational-Technical Institute System employees which require legislative action; 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:

PART A

Sec. 1. Cost to the General Fund. There is appropriated in Part B funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$474,193 for the fiscal year ending June 30, 1988, and the amount of \$967,573 for the fiscal year ending June 30, 1989, to implement the economic terms of the collective bargaining agreements