

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

agreed to by the Maine Vocational-Technical Institute System and the Maine Teachers Association for the vocational-technical institute faculty and administration bargaining units.

Sec. 2. Adjustment of salary schedule for fiscal year 1987-88. Effective at the beginning of the pay week commencing closest to July 1, 1987, the salary schedule for employees in the vocational-technical institute faculty and administrative bargaining units shall be adjusted by 4%, consistent with the terms of the collective bargaining agreements.

Sec. 3. Adjustment of salary schedule for fiscal year 1988-89. Effective at the beginning of the pay week commencing closest to July 1, 1988, the salary schedule for employees in the vocational-technical institute faculty and administrative bargaining units shall be adjusted by 4%, consistent with the terms of the collective bargaining agreements.

Sec. 4. New employees' similar and equitable treatment. Employees in classifications included in the vocational-technical institute faculty and administrative bargaining units, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1022, subsection 11, paragraph D, shall be given similar and equitable treatment on a pro rata basis to that given employees covered by the collective bargaining agreements.

PART B

Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1987-88</u>	<u>1988-89</u>
<u>FINANCE, DEPARTMENT OF</u>		
Salary Plan		
Personal Services	(\$474,193)	(\$967,573)
<u>MAINE VOCATIONAL-TECHNICAL INSTITUTE SYSTEM</u>		
Board of Trustees		
All Other	\$474,193	\$967,573

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

Effective April 1, 1988.

CHAPTER 104

H.P. 1837 — L.D. 2514

AN ACT to Revise the Charter of the Brunswick Sewer District.

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

Whereas, the Brunswick Sewer District is a party to a consent decree, the other parties being this State and the Board of Environmental Protection, and the consent decree requires the Brunswick Sewer District to construct a secondary waste water treatment facility in compliance with the United States Clean Water Act; and

Whereas, the engineers' estimates of the Brunswick Sewer District's cost of a secondary waste water treatment plant exceeds its present authorized indebtedness; and

Whereas, the Brunswick Sewer District may not be able to complete its arrangements for financing the secondary waste water treatment unless its authorized indebtedness is increased; and

Whereas, the Brunswick Sewer District charter presently does not allow for the automatic creation of liens against real estate served or benefitted by the district to secure the payment of rates established and due under its charter; and

Whereas, automatic lien authority is granted by law to any sewer district formed under the Maine Revised Statutes, Title 38, chapter 11; and

Whereas, it is necessary for the benefit of the Brunswick Sewer District and its ratepayers that automatic lien authority be granted the Brunswick Sewer District; and

Whereas, the Brunswick Sewer District charter is unclear as to whether district revenues may be applied to defray the cost of capital projects and it is in the best interest of the district and its ratepayers to allow payment of certain capital costs with district revenues; and

Whereas, Private and Special Law 1981, chapter 103, repealed and replaced Private and Special Law 1947, chapter 77, as amended, incorporating the Brunswick Sewer District; and

Whereas, Private and Special Law 1981, chapter 103, contains an incorrect reference to chapter 77, and that reference has the potential of creating confusion; and

Whereas, these amendments have been proposed by the Brunswick Sewer District trustees to the town council following public hearing, and the town council has approved these amendments, all in accordance with section 51 of the charter; 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 1947, c. 77, first 4 lines, as enacted by P&SL 1981, c. 103, are repealed and the following enacted in their place:

BRUNSWICK SEWER DISTRICT

PART 1

GENERAL PROVISIONS

Sec. 2. P&SL 1947, c. 77, §31, sub-§1, last sentence, as enacted by P&SL 1981, c. 103, is amended to read:

The total indebtedness at any time shall not exceed ~~\$5,000,000~~ \$20,000,000.

Sec. 3. P&SL 1947, c. 77, §33, sub-§4, as enacted by P&SL 1981, c. 103, is repealed and the following enacted in its place:

4. Construction, repairs, replacements, renewals and extensions. To pay for such repairs, replacements, renewals and extensions as may be necessary to maintain the system in good, safe, efficient working condition, to pay the district share in the cost of extensions authorized under section 34, or to pay for the cost of capital projects constituting additions or improvements to the system, including the costs of acquisition, design, construction, building, alteration, enlargement, reconstruction, renovation, improvement and equipping those projects and the cost of all lands, structures, real or personal property, rights, easements, site development and improvement, plans and specifications, surveys, engineering, feasibility studies and other legal, accounting and professional services associated with those projects.

Sec. 4. P&SL 1947, c. 77, §35, sub-§3, as enacted by P&SL 1981, c. 103, is repealed and the following enacted in its place:

3. Rates. There shall be a lien on real estate served or benefitted by the sewers of the Brunswick Sewer District, to secure the payment of rates established and due under this charter, 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 this chapter and the same shall be committed to him. The treasurer may, after demand for payment, sue 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 the collection of rates, tolls, rents and other charges, the lien hereby created may be enforced in the following manner. The

treasurer, when a rate, toll, rent or other charge has been committed for collection, may, after the expiration of 3 months and within one year after the date when the same became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the 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, together with a fee of \$1 for mailing the notice and fee for the certified mail, return receipt requested, all within 30 days after service or mailing. 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 the 30-day period and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which that property is located 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 rate, toll, rent or other charge has been given or made in accordance with this section and stating further that that rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy thereof 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 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 be deemed to create, and 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 the 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, 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. In the event that the rate, toll, rent or other charge, with interest and costs, is paid with-

in the period of redemption, the treasurer shall discharge the mortgage in the same manner provided for discharge of real estate mortgages. The fee for recording the discharge shall be borne by the ratepayer.

Sec. 5. Referendum; effective date. Section 2 of this Act shall be submitted to the legal voters of the Brunswick Sewer District on or before April 15, 1990. The election shall be called by the town officers and shall be held at the regular voting places. The election shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of section 2 of this Act to the following question:

“Shall the debt limit of the Brunswick Sewer District be increased to \$20,000,000?”

Section 2 of this Act shall take effect immediately upon its acceptance by a majority of the legal voters of the Brunswick Sewer District voting at the election. Failure of approval shall not prevent subsequent elections.

The results of the election shall be declared by the town officers and due certificates of the election results shall be filed by the town clerk with the Secretary of State.

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

Effective pending referendum.

CHAPTER 105

H.P. 1477 — L.D. 2012

AN ACT Directing the Department of Educational and Cultural Services to Study the Issue of Granting Credit for Fee-Based Driver Education Courses.

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

Sec. 1. Study and report. The Department of Educational and Cultural Services shall conduct a study of the issue of granting credit for fee-based driver education courses. In conducting the study, the department shall give due consideration to the benefits to be derived from and the need to encourage broad participation in driver education programs and the constitutional requirement that towns provide public education at their own expense. The department shall examine alternative methods of encouraging participation in driver education and shall report its findings and recommendations to the Legislature by December 15, 1988. In addition to other appropriate considerations, the department shall take into account the effect of its recommendations on the number of certified driver education instructors and on private providers of driver education courses. In con-

ducting the study, the department may request assistance from the Attorney General.

Sec. 2. Review by joint standing committee. The Joint Standing Committee on Education shall review the report of the department and, based on that review, may introduce legislation dealing with driver education to the First Regular Session of the 114th Legislature.

Sec. 3. Termination. This Act shall terminate on December 15, 1989.

Effective August 4, 1988.

CHAPTER 106

S.P. 940 — L.D. 2484

AN ACT to Provide Reimbursement to Certain Employees of the Department of Corrections for Meal Expenses.

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

P&SL 1987, c. 21, Pt. A, §11, is amended by adding at the end a new paragraph to read:

Any employee of the Department of Corrections who would normally be provided, without cost, a meal in an institution in accordance with the Maine Revised Statutes, Title 5, section 8-C, when given an assignment that necessitates that employee being away from that institution at the time of that meal shall be reimbursed, within allowable limits, for a meal purchased.

Effective August 4, 1988.

CHAPTER 107

H.P. 1597 — L.D. 2183

AN ACT to Request the Alcohol and Drug Abuse Planning Committee to Examine the Feasibility of Establishing a Detention and Rehabilitation System for Chronic Operating-Under-the-Influence Offenders and Expanding the Kennebec County Community Alternative Sentencing Program.

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

Sec. 1. Establishment; duties. The Alcohol and Drug Abuse Planning Committee shall examine the feasibility of a facility to detain, and provide rehabilitation and treatment services for, chronic offenders of the operating-under-the-influence laws, Title 29, chapter 11, subchapter V of the Maine Revised Statutes. The committee shall examine the concept of separate detention and rehabilitation facilities for chronic operating-under-