

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

Whereas, if consistency is not timely achieved by the State, the State will be at risk of loss of federal funding for its programs and projects; 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. 1 MRSA §902, as amended by PL 1973, c. 625, §5, is further amended to read:

§902. State acceptance of federal funds; compliance with federal laws

Whenever the acquisition of real property for a program undertaken by the State or any other public or private entity subject to the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, PL 91-646 and 100-17, Title IV, as amended, referred to in this chapter as the "Federal Uniform Relocation Act," will result in the displacement of any person on or after ~~March 1, 1972~~ April 2, 1989, and the program is eligible for federal financial assistance, the State and any other public or private entity subject to the Federal Uniform Relocation Act is authorized to may receive such the federal financial assistance and upon or in anticipation of receipt thereof, ~~is authorized to~~ may comply with all of the provisions of, ~~to~~ be guided to the greatest extent practicable by the land acquisition policies set forth in and ~~to~~ do all things necessary or proper to provide the services, payments and benefits provided in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646; 84 Stat. 1894).

Sec. 2. 1 MRSA §903, as enacted by PL 1971, c. 597, is amended to read:

§903. Definitions and exclusion

Except where the context otherwise requires or as expressly set forth in this chapter, all terms used in this chapter shall have the same definitions as are set forth in the ~~federal~~ Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The term "State" shall include every agency, department and political subdivision of the State, but shall not include the Department of Transportation. Nothing in this chapter shall may be construed to alter or amend Title 23, chapter 3, subchapter VII, which does and shall continue to apply exclusively to state or state aid highway projects and other activities of and by the Department of Transportation.

Sec. 3. 1 MRSA §904, as amended by PL 1973, c. 625, §6, is further amended to read:

§904. Limitations

Nothing in this chapter shall may be construed as creating in any condemnation proceeding brought under the

power of eminent domain any element of value or of damage not in existence immediately prior to ~~March 1, 1972~~ April 2, 1989.

The requirement by the State to be guided, to the greatest extent practicable, by the policies set forth in the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 shall create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

Nothing in this chapter shall may be construed to require the State to provide services, payments or benefits which exceed in quantity or quality those which are necessary or proper for the State to provide in order for the State to receive federal financial assistance by complying with the obligations imposed or incumbent upon states under the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Nothing in this chapter shall may be construed to limit the authority or eligibility of the State to receive federal financial assistance.

Sec. 4. 1 MRSA §905 is enacted to read:

§905. Guidelines; rules

The head of each department and agency subject to this chapter may issue guidelines and procedures and promulgate rules as necessary or appropriate to carry out this chapter.

Sec. 5. Application. This Act shall apply only to persons who become displaced persons on or after April 2, 1989.

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

Effective April 14, 1989.

CHAPTER 41

S.P. 191 - L.D. 418

An Act to Amend Laws Related to the Bureau of Mental Retardation's Role in In-state Residential Treatment Centers

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

34-B MRSA §1208, sub-§4, as enacted by PL 1985, c. 789, §§8 and 9, is amended to read:

4. Payment for state agency clients. The commissioner shall authorize payment of approved mental health treatment costs for state agency clients who are placed for educational purposes with the recommendation of a ~~Bureau~~

~~of Mental Retardation case manager or an employee of the Office of Children's Services Bureau of Children with Special Needs~~ in an in-state residential treatment center, as identified in Title 20-A, section 1, subsection 24-A, paragraph D, subparagraph (3), to the extent of the amount of funds appropriated by the Legislature for this purpose; and may authorize payment of mental health treatment costs for similar placements in out-of-state residential placements on a case-by-case basis, within the limits of available funds. The commissioner shall further authorize payment of approved board and care and mental health treatment costs for state agency clients who are placed for other than educational purposes with the recommendation of a ~~Bureau of Mental Retardation case manager or an employee of the Office of Children's Services~~ Bureau of Children with Special Needs in any residential placement, as defined in Title 20-A, section 1, subsection 24-A, to the extent of the funds appropriated by the Legislature for this purpose. In no event may payments which the commissioner is required to authorize under this section exceed the funds appropriated by the Legislature for the purposes referred to in this subsection. Payment from these funds shall be made only when other appropriate state or federal funds to which the department has access have been exhausted.

See title page for effective date.

CHAPTER 42

H.P. 76 - L.D. 107

An Act to Amend the Real Estate Lien Discharge Law

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

Sec. 1. 36 MRSA §3404, first ¶, as amended by PL 1987, c. 772, §32, is further amended to read:

Property subject to taxes as aforesaid, in whatever form of investment it may happen to be, shall be charged with a lien for all taxes and interest which are or may become due on that property; but the lien shall not attach to any real or personal property after the same has been sold or disposed of for value by the personal representative ~~or trustee or surviving joint tenant~~. The lien charged by chapters 551 to 567 upon any real estate or separate parcel of real estate may be discharged by the payment of all taxes and interest due and to become due upon the real estate or separate parcel and the cost of recording the certificate mentioned. Upon payment, the State Tax Assessor shall cause a certificate showing that payment to be recorded in the registry of deeds in each county where the real estate is located.

Sec. 2. 36 MRSA §4072, as amended by PL 1987, c. 772, §33, is further amended to read:

§4072. Lien for taxes

All property subject to taxes under this chapter, in whatever form of investment it may happen to be, is charged

with a lien for all taxes, interest and penalties which are or may become due on that property. The lien does not attach to any real or personal property after the property has been sold or disposed of for value by the personal representative ~~or trustee or surviving joint tenant~~. Upon payment of those taxes, interest and penalties due under this chapter, or upon determination that no tax is due, the State Tax Assessor shall upon request execute a discharge of the tax lien for recording in the appropriate registry or registries of deeds.

See title page for effective date.

CHAPTER 43

H.P. 64 - L.D. 88

An Act to Make Additional Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Year Ending 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 operations of the Department of Defense and Veterans' Services will become due and payable before the next fiscal year; 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. 37-B MRSA §957, as repealed and replaced by PL 1987, c. 816, Pt. KK, §26, is amended to read:

§957. Disbursements from fund

Money in the fund shall be disbursed only for the preparation and implementation of emergency planning related to nuclear power plants and their fuel-cycle activities. Expenditures shall be limited to support of state agency activities, grants to counties, municipalities, interjurisdictional or regional civil emergency preparedness agencies and contractual services necessary to carry out the purposes of this chapter. Except as provided in section 959, disbursements from the fund may not exceed ~~\$200,000~~ \$205,035 in fiscal year 1988-89; \$110,000 in fiscal year 1989-90; \$120,000 in fiscal year 1990-91; and \$140,000 in fiscal year 1991-92 and annually thereafter.

Sec. 2. Additional allocation of Maine Nuclear Emergency Planning Fund. Income to the Maine Nu-