

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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~~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.

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## 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.

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## 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-

clear Emergency Planning Fund of the following sum is allocated to carry out the purpose of this Act.

1988-89

**DEFENSE AND VETERANS' SERVICES,  
DEPARTMENT OF**

**Radiological Emergency Preparedness  
Committee**

Positions	(1)
Personal Services	\$4,285
All Other	750

Provides funds for one Planning and Research Associate I position who will be a full-time planner to conduct Maine Yankee off-site emergency planning.

<b>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</b>	
<b>TOTAL</b>	<u>\$5,035</u>

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

Effective April 20, 1989.

**CHAPTER 44**

**H.P. 72 - L.D. 103**

**An Act to Amend the Law Regarding Food Services Operated by the Blind in Public Buildings**

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

**Sec. 1. 22 MRSA §3504**, as amended by PL 1989, c. 14, §5, is repealed and the following enacted in its place:

**§3504. Authority**

For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, the officer, board or other authority in charge of any building or property of the State, any county or municipality shall grant to the Division for the Blind and Visually Impaired in the Department of Human Services authority:

**1. Vending facility.** To install in any such buildings or property a vending facility to be operated by a blind person duly licensed by the Division for the Blind and Visually Impaired whenever a vending facility may be properly and satisfactorily operated by a blind person; or

**2. Vending machines.** To place vending machines operated by the division in any such building or property if

a vending facility operated by a licensed blind operator is not warranted. Income from these vending machines shall be used for the purposes enumerated in this section.

**Sec. 2. 22 MRSA §3505, first ¶**, as amended by PL 1979, c. 541, Pt. A, §149, is further amended to read:

As used in sections 3504 to ~~3511~~ **3512**, unless the context otherwise indicates, the following terms shall have the following meanings.

**Sec. 3. 22 MRSA §3505, sub-§8**, as enacted by PL 1971, c. 88, is amended to read:

**8. Vending facility.** "Vending facility" means restaurant, cafeteria, including the cafeteria located in the State Office Building in Augusta, snack bar, vending machines for food and beverages and goods and services customarily offered in connection with any of the foregoing.

**Sec. 4. 22 MRSA §3506, sub-§3**, as enacted by PL 1971, c. 88, is amended to read:

**3. Income.** For the purpose of achieving and protecting the preference of blind persons in the operation of vending facilities as contemplated by sections 3504 to ~~3511~~ **3512**, arrange for the assignment of the income derived from vending machines located within reasonable proximity to and in direct competition with a vending facility for which authority has been granted pursuant to sections 3504 to ~~3511~~ **3512**, to the vending facility operator or operators affected. If a vending machine vends articles of a type authorized for vending pursuant to sections 3504 to ~~3511~~ **3512**, and is so located that it attracts customers who would otherwise patronize the vending facility, such machine will be considered to be in reasonable proximity to and in direct competition with the vending facility.

**Sec. 5. 22 MRSA §3506, sub-§4-A** is enacted to read:

**4-A. Vending machines.** Allow the division to place vending machines in any building where a vending facility operated by a blind operator would not be feasible. Income from these machines shall accrue to the division's set-aside account for purposes stated in section 3504; and

**Sec. 6. 22 MRSA §3512**, as enacted by PL 1971, c. 88, is repealed and the following enacted in its place:

**§3512. Application**

If a vending facility not under the control of the division exists in a building or on property of the State, a county or municipality, the person having jurisdiction over that building or property shall give preference to the division to continue operation of the vending facility when any existing lease or contract expires or is terminated.

**Sec. 7. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.