

# 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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owner to the same degree they would be protected if the property were delivered to the administrator.

See title page for effective date.

## CHAPTER 370

H.P. 1196 - L.D. 1663

### An Act to Clarify the Liability of Relatives for Support

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

22 MRSA §4319, as amended by PL 1983, c. 701, §5, is repealed and the following enacted in its place:

#### §4319. Liability of relatives for support

1. Relatives liable. A parent or grandparent living in or owning property in the State shall support persons for whom they are legally responsible in proportion to their respective ability. Liability for burial expenses is governed by section 4313.

2. Exception. A municipality or the State may decide not to make payments for rental assistance on behalf of an otherwise eligible individual when the rental payments would be made to a parent or grandparent, by consanguinity, unless the municipality finds that the rental arrangement has existed for 3 months prior to the application for assistance and is necessary to provide the parent or grandparent with basic necessities.

3. Recovery of assistance provided. A municipality or the State, after providing general assistance to a dependent of a legally responsible parent or grandparent who is financially capable of providing support, may then seek reimbursement or relief for that support by initiating a complaint to the Superior Court or District Court, including by small claims action, located in the division or county where the legally responsible parent or grandparent resides. The court may cause the legally responsible parent or grandparent to be summoned and upon hearing or default may assess and apportion a reasonable sum upon those who are found to be of sufficient ability for the support of the eligible person and shall issue a writ of execution. The assessment shall not be made to pay any expense for relief provided more than 6 months before the complaint was filed. Any action brought under this section shall be governed by the Maine Rules of Civil Procedure. The court may, from time to time, make any further order on complaint of a party interested and, after notice is given, alter the assessment or apportionment.

See title page for effective date.

## CHAPTER 371

H.P. 1192 - L.D. 1659

### An Act to Facilitate District Court Judicial Administration

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

Sec. 1. 5 MRSA §4653, sub-§3, as enacted by PL 1987, c. 515, §1, is amended to read:

3. Fees. No fee may be charged for forms or filing of a petition. A plaintiff may apply for the right to proceed in forma pauperis.

Sec. 2. 29 MRSA c. 16, as amended by PL 1987, c. 495, is repealed.

See title page for effective date.

## CHAPTER 372

S.P. 553 - L.D. 1556

### An Act to Provide Additional Protection in Cases of Domestic Abuse

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

Sec. 1. 15 MRSA §321, sub-§4, as enacted by PL 1983, c. 619, is amended to read:

4. Issuance of order. The clerk may issue, without fee, a copy of a protective order, amendment or revocation to the offender, the victim and, ~~as the court directs,~~ to the law enforcement agencies most likely to enforce it as determined by the court.

Sec. 2. 19 MRSA §767, as repealed and replaced by PL 1979, c. 677, §§14 and 18, is amended to read:

#### §767. Notification

The clerk shall issue, without fee, a copy of an order, agreement, amendment or revocation to the plaintiff, the defendant and, ~~as the court directs,~~ to the law enforcement agencies most likely to enforce it as determined by the court.

See title page for effective date.

## CHAPTER 373

H.P. 1112 - L.D. 1545

### An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1989-90

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

Whereas, prompt determination and certification of the municipal cost components in the unorganized territory tax district is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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. 36 MRS A §1606**, as amended by PL 1983, c. 556, §20, is further amended to read:

**§1606. Property taxes credited on assessments; quarterly payments for unorganized territory services and annually for county taxes**

Notwithstanding any other statute to the contrary, the gross amount of property taxes assessed upon real and personal property in the unorganized territory through the State Tax Assessor for the benefit of any special fund or political subdivision of the State may be credited on the books of the State to the special fund or to the proper fiscal officer of the political subdivision. The Treasurer of State shall pay to that fiscal officer the amount of the tax so assessed, in equal quarterly amounts for unorganized territory services, on or before the last day of July, October, January and April and an annual installment for county taxes on or before October 15th following the date of the assessment. The amount of the assessment is appropriated for the purposes of this section. Upon collection by the State Tax Assessor, such taxes shall be deposited in the Unorganized Territory Education and Services Fund. All abatements of such taxes shall be charged against the Unorganized Territory Education and Services Fund and all interest and supplemental assessments shall be paid into the Unorganized Territory Education and Services Fund; and neither may be charged against or credited to the special fund or political subdivision on account of which the tax was levied. Any excess of supplemental assessments over abatements accruing to the Unorganized Territory Education and Services Fund shall be considered as reimbursement to the Unorganized Territory Education and Services Fund for administrative expenses connected with the assessment of those taxes. The intent of the Legislature is to permit the administration of all real and personal property taxes in the unorganized territory through the Unorganized Territory Education and Services Fund as a matter of convenience and economy.

**Sec. 2. Municipal cost components for services rendered.** In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 1989-90 is as follows:

|                                      |                  |
|--------------------------------------|------------------|
|                                      | 1989-90          |
| Audit - Report                       | \$3,000          |
| - Fiscal Administrator               | 83,483           |
| Education - Operations - FY 1989-90  | 5,894,226        |
| - Rockwood School                    | 650,000          |
| Forest Fire Protection               | 119,123          |
| Human Services - General Assistance  | 222,000          |
| Tank Removal Fund                    | 12,000           |
| Property Tax Assessment - Operations | 433,550          |
|                                      | <hr/>            |
| Total State Agencies                 | \$7,417,382      |
| County reimbursements for services:  |                  |
| Aroostook                            | \$446,682        |
| Franklin                             | 194,590          |
| Oxford                               | 202,124          |
| Penobscot                            | 112,549          |
| Piscataquis                          | 258,719          |
| Somerset                             | 289,209          |
| Washington                           | 297,112          |
|                                      | <hr/>            |
| Total County Services                | \$1,800,985      |
|                                      | <hr/>            |
| TOTAL REQUIREMENTS                   | \$9,218,367      |
|                                      | <hr/>            |
| <b>COMPUTATION OF ASSESSMENT</b>     |                  |
| Requirements                         | \$9,218,367      |
| Less Deductions:                     |                  |
| General -                            |                  |
| Special Revenue to be                |                  |
| use by State Tax Assessor            |                  |
| under the Maine Revised              |                  |
| Statutes, Title 36, section          |                  |
| 1602, subsection 4                   | \$100,000        |
| State Revenue Sharing                | 150,000          |
| Miscellaneous Revenues               | <u>10,000</u>    |
| TOTAL                                | \$260,000        |
| Educational -                        |                  |
| Lands Reserve Trust                  | \$125,000        |
| Tuition - Travel                     | 90,000           |
| Miscellaneous                        | 10,000           |
| Special - Retirement                 | <u>200,000</u>   |
| TOTAL                                | <u>\$425,000</u> |
| TOTAL DEDUCTIONS                     | <u>\$685,000</u> |
| TAX ASSESSMENT                       | \$8,533,367      |

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

**EDUCATIONAL AND CULTURAL SERVICES,  
DEPARTMENT OF**

**Education in Unorganized Territory**

Capital Expenditures \$650,000

Provides funds for the actual construction of a new school in Rockwood Strip Unorganized Territory Township. These funds will be reimbursed to the General Fund through the Unorganized Territory Education and Services Fund.

**DEPARTMENT OF EDUCATIONAL  
AND CULTURAL SERVICES  
TOTAL**

\$650,000

**FINANCE, DEPARTMENT OF**

**Bureau of Taxation**

Contractual Services \$12,000

Provides funds for the excavation of 3 gasoline tanks per order of the Department of Environmental Protection on a piece of tax-acquired property in the Unorganized Territory. These funds will be reimbursed to the General Fund from the Unorganized Territory Educational and Services Fund.

**DEPARTMENT OF FINANCE  
TOTAL**

\$12,000

**TOTAL APPROPRIATIONS**

\$662,000

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

Effective June 20, 1989.

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**CHAPTER 374**

**H.P. 1097 - L.D. 1530**

**An Act to Clarify the Maine Municipal Bond Bank's and the Maine Public Utility Financing Bank's Ability to Hold, Own and Sell Real and Personal Property**

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

**Whereas,** in the normal course of business it may be necessary for the Maine Municipal Bond Bank and the Maine Public Utility Financing Bank to hold, own or sell real or personal property; and

**Whereas,** current statutory provisions are, in the opinion of the banks' legal counsel, insufficient to clearly authorize such activity; and

**Whereas,** the need to be able to acquire, hold or dispose of real or personal property can occur at any time; and

**Whereas,** the Maine Municipal Bond Bank and the Maine Public Utility Financing Bank are also currently exploring the most financially practicable way to obtain office space which may include ownership; 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. 30-A MRSA §5954, sub-§1, ¶F,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, §§8 and 10, is further amended to read:

F. Acquire, rent, lease, hold, use and dispose of other personal and real property for its purposes;

**Sec. 2. 35-A MRSA §2906, sub-§1, ¶F,** as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

F. To acquire, rent, lease, hold, use and dispose of other personal and real property for its purposes;

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

Effective June 20, 1989.

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**CHAPTER 375**

**S.P. 551 - L.D. 1522**

**An Act Concerning Fines Collected by the Courts**

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

**17-A MRSA §1341, sub-§1,** as enacted by PL 1985, c. 752, §1, is amended to read:

**1. Assessment.** When a person is sentenced to incarceration in a county jail, the sentencing court shall consider and may assess as part of the sentence a reimburse-