

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

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

**January 3, 1990 to April 14, 1990**

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ments are attributable and the amount of funds borrowed, if any, by the association and the repayment date of any loan.

**Sec. 14. Study.** During the First Regular Session of the 116th Legislature, the Joint Standing Committee on Banking and Insurance shall review this Act and Public Law 1989, chapter 67. To assist the committee, the Maine Insurance Guaranty Association and the Maine Life and Health Insurance Guaranty Association shall provide the committee with a report of the total assessments made between 1989 and the date of the report, the assessments made under the spillover assessment provisions of the Maine Revised Statutes, Title 24-A, sections 4440-A and 4609, any borrowing or other actions by the associations necessary to fulfill their statutory obligations, and other information as the committee may specifically request.

See title page for effective date.

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## CHAPTER 752

S.P. 838 - L.D. 2151

### An Act to Amend the Laws for the Licensing of Counseling Professionals

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

**32 MRSA §13862, 2nd ¶**, as enacted by PL 1989, c. 465, §§3 and 5, is amended to read:

Nothing in this section may prohibit disclosure by a person licensed under this chapter of information concerning a client when that disclosure is required by law and nothing in this section may modify or affect Title 22, sections 3477 to 3479-A and 4011 to 4015.

See title page for effective date.

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## CHAPTER 753

S.P. 827 - L.D. 2135

### An Act to Implement Changes to the Homestead Property Tax Exemption Law

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

**Whereas**, delay in implementing changes to the homestead property tax exemption law may result in unnecessary burdens on taxpayers and local property tax administrators; 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 legisla-

tion 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 MRSA §672, sub-§§8 and 9**, as enacted by PL 1989, c. 534, Pt. B, §1, are repealed and the following enacted in their place:

**8. State of Maine income tax returns.** The residence claimed on the State of Maine income tax return filed by the applicant;

**9. Maine motor vehicle excise tax.** The place of payment of the motor vehicle excise tax of the applicant; or

**Sec. 2. 36 MRSA §672, sub-§10** is enacted to read:

**10. Maine hunting or fishing licenses.** The residence listed on the applicant's Maine hunting or fishing license.

**Sec. 3. 36 MRSA §673, sub-§2**, as enacted by PL 1989, c. 534, Pt. B, §1, is repealed.

**Sec. 4. 36 MRSA §673, sub-§2-A**, as enacted by PL 1989, c. 534, Pt. B, §1, is amended to read:

**2-A. Amount of exemption.** Every person who has the legal title or beneficial title in equity to real property in this State and who resides on that real property, and in good faith makes the same that person's permanent residence or the permanent residence of another or others legally or naturally dependent ~~upon~~ on that person, is entitled to an exemption from all taxation, except for assessments for special benefits of 5% of just valuation up to the just valuation of \$50,000 on the residence and ~~up to 10 acres of~~ contiguous real property. The title may be held jointly or in common with others, and the exemption may be apportioned among the owners ~~that~~ who reside on the property, to the extent of their respective interests; but no exemption of more than 5% of the first \$50,000 of just value may be allowed to any one person or on any one dwelling house, except that an exemption up to 5% of the first \$50,000 of just value may be allowed on each apartment occupied by a tenant-stockholder or member of a cooperative apartment corporation and on each condominium parcel occupied by ~~his~~ the owner; ~~nor shall~~ and the amount of the exemption allowed any person is not to exceed the proportionate just valuation based on the interest owned by that person. This subsection ~~shall take~~ takes effect on April 1, 1991.

**Sec. 5. 36 MRSA §675, sub-§1**, as enacted by PL 1989, c. 534, Pt. B, §1, is repealed.

**Sec. 6. 36 MRSA §676**, as enacted by PL 1989, c. 534, Pt. B, §1, is amended to read:

**§676. Duty of municipal assessor**

The municipal assessor shall examine each claim for exemption filed with the municipal assessor and, if the claim is found to be in accordance with law, ~~shall mark the claim approved and make the proper deductions on the tax books~~ shall properly identify the exemption granted to each taxpayer in the municipal valuation.

Municipalities granting exemptions under this section shall have a valid claim against the State to recover 100% of the taxes lost by reason of these exemptions on proof of the fact in a form satisfactory to the State Tax Assessor. Claims for reimbursement by the State from the municipalities must be filed with the State Tax Assessor on or before October 1st of the tax year in which the exemptions were granted, or within 30 days of commitment of taxes, whichever occurs later. The Treasurer of State shall pay to the municipalities by November 15th of that tax year the amount certified by the State Tax Assessor. Municipal claims filed after October 1st will be paid as expeditiously as possible after the November 15th payment date.

The municipal assessor shall remove from the homestead exemption rolls an owner who no longer qualifies for the exemption. Such an owner shall be notified of removal in a written notice sent by regular mail to the owner's last known address. The notice must state the reason or reasons for removal and inform the owner that the owner has 30 days to appeal the assessor's decision to the municipal board of assessment review, or where no such board exists, to the county commissioners.

**Sec. 7. 36 MRSA §§677 and 678**, as enacted by PL 1989, c. 534, Pt. B, §1, are repealed and the following enacted in their place:

**§677. Homestead exemptions; approval; refusal; hearings**

The municipal assessors of the several municipalities of the State, as soon as practicable after April 1st of each tax year, shall consider carefully all new applications for exemption under this subchapter that have been filed on or before April 1st of that year. If, after due consideration, the municipal assessor finds that the applicant is not entitled under the law to the exemption, the municipal assessor shall immediately make out a notice of disapproval that includes the reasons for disapproval. A copy of this notice must be served on the applicant by the municipal assessor either by personal delivery or by registered mail. Taxpayers may appeal the determination of the local assessors under the provisions of subchapter VIII.

**§678. Lien imposed on property of person claiming exemption although not permanent resident**

When it is determined that any person has improperly received a homestead exemption pursuant to section 673 for any year or years within 10 years immediately

prior to the date of determination, the State Tax Assessor shall notify that person by certified mail that the property is subject to the payment of all taxes previously found exempt, plus interest as prescribed under section 505, subsection 4. After the expiration of 60 days from the date of notification, and within 30 days, the State Tax Assessor shall record in the registry of deeds of the county where the real estate is situated a tax lien certificate signed by the State Tax Assessor, or bearing the assessor's facsimile signature, setting forth the amount of improperly exempted tax, a description of the real estate on which the tax is assessed and an allegation that a lien is claimed on the real estate to secure payment of the tax, that a demand for payment of the tax has been made in accordance with this section, and that the tax remains unpaid. When the undivided real estate of a deceased person has been assessed to the deceased person's heirs or decedents without designating any of them by name, it will be sufficient to record in the registry a tax lien certificate in the name of the heirs or decedents without designating them by name.

At the time of the recording of the tax lien certificate in the registry of deeds, the State Tax Assessor shall send by certified mail, return receipt requested, to each record holder of a mortgage on the real estate, to the mortgagor's last known address, a true copy of the tax lien certificate. The cost paid by the taxpayer is \$13 in addition to the fees for recording and discharging the lien as established by Title 33, section 751, subsection 10. On redemption, the State Tax Assessor shall prepare and record a discharge of the tax lien mortgage. The lien described in section 552 is the basis of this tax lien mortgage procedure.

The filing of the tax lien certificate, provided for in this section, in the registry of deeds creates a mortgage on the real estate to the State and has priority over all other mortgages, with the exception of municipal tax lien mortgages, liens, attachments and encumbrances of any nature. The filing of the tax lien certificate gives to the State all the rights to a mortgage, except that the mortgagee does not have the right of possession of the real estate until the right of redemption has expired.

Payments accepted during the redemption period do not interrupt or extend the redemption period or in any way affect the foreclosure procedures.

If the mortgage, with interest and costs, is not paid within 12 months of the date on which the certificate was filed in the registry of deeds, as provided in this section, the mortgage is considered foreclosed and the right of redemption expired.

The filing of a tax lien certificate in the registry of deeds is sufficient notice of the existence of the mortgage. The State Tax Assessor, when the State acquires title to any real estate, shall cause an inventory to be made of that real estate. The inventory must contain a description of the real estate, the amount of accrued taxes by years and any information necessary in the administration and

supervision of the real estate. The State Tax Assessor shall report annually to the Legislature not later than 15 days after the Legislature convenes. The report must contain a copy of the inventory of real estate then owned by the State and any recommendations, regarding the disposition of this real estate, the State Tax Assessor may make.

The State Tax Assessor, after authorization by the Legislature, shall sell and convey any such real estate; but shall in all cases of sales, except sales to the former owners of the real estate, give public notice of the proposal to sell the real estate and shall ask for competitive bids and sell to the highest bidder, and has the right to reject all bids. No sales of the real estate may be made by the State Tax Assessor except by authorization of the Legislature.

The supervision, administration, utilization and vindication of the right of the State in any such real estate is vested in the State Tax Assessor until the title is conveyed or otherwise disposed of by the Legislature.

Following the sale by the State Tax Assessor of real property acquired through the tax lien certificate procedure outlined in this subchapter, all claims of the State evolving from the homestead property tax exemption are satisfied, as well as any tax delinquencies relative to the property in question in the municipality where located. The residual amount resulting from the sale of the property is to be returned to the former owner or to the owner's heirs.

**Sec. 8. Repeal.** Public Law 1989, chapter 534, section 3 is repealed.

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

Effective March 30, 1990.

## CHAPTER 754

S.P. 794 - L.D. 2045

### An Act to Amend Certain Laws Dealing with Motor Vehicle Inspections

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

Whereas, the effective date of the federal regulations concerning the inspection of commercial motor vehicles has been changed from December 7, 1989, to July 1, 1990, and state laws and corresponding rules that mirror the federal regulations should go into effect simultaneously; and

Whereas, certain laws affecting altered motor vehicles become effective March 1, 1990, and it is in the best interest of the vehicle owners and the responsible

state agencies to delay the effective date until March 1, 1991; 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. A-1. 29 MRSA §119**, as enacted by PL 1989, c. 515, §§2 and 16, is repealed.

**Sec. A-2. 29 MRSA §2502, sub-§4**, as enacted by PL 1989, c. 515, §§8 and 16, is repealed.

**Sec. A-3. 29 MRSA §2507-B**, as amended by PL 1989, c. 71, §§8 and 9, is repealed.

**Sec. A-4. PL 1989, c. 481, Pt. A, §§45 and 46** are repealed.

**Sec. A-5. Retroactive application.** Section A-1 of this Act is retroactive to March 1, 1990. Section A-2 of this Act is retroactive to September 30, 1989. Section A-4 of this Act is retroactive to December 7, 1989.

#### PART B

**Sec. B-1. 29 MRSA §2506, sub-§1**, as amended by PL 1983, c. 370, §7, is further amended to read:

1. **Motor vehicles registered or inspected in another state.** Motor vehicles owned and registered in another state and motor vehicles registered in this State displaying a valid certificate of motor vehicle inspection from any state or federally approved commercial vehicle inspection program until its normal expiration;

**Sec. B-2. 29 MRSA §2519-A**, as enacted by PL 1983, c. 124, is repealed.

**Sec. B-3. 29 MRSA §2519-B** is enacted to read:

**§2519-B. Inspection of commercial vehicles, trailers and semitrailers**

1. **Vehicles required to be inspected.** Except as provided in subsection 5 and except for farm trucks and fish trucks, as defined in section 2506, any commercial motor vehicle that is required to be registered in this State and used in intrastate or interstate commerce with a gross vehicle weight rating or gross weight, including the gross weight of any trailer or semitrailer used in combination with the commercial motor vehicle, that exceeds 10,000 pounds and any trailer or semitrailer used in combination with those commercial motor vehicles must be inspected annually as provided by this section.