

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

CHAPTER 232

S.P. 246 - L.D. 655

An Act to Extend Mandatory Participation in the E-9-1-1 Program

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

Whereas, the current deadline for a municipality to establish a public safety answering point system in July 1, 1991; and

Whereas, there are still many unanswered questions about how best to structure the system that require study; and

Whereas, the difficult financial times presently faced by the State and its municipalities require that even desirable programs be postponed until adequate funding is available; 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. 25 MRSA §2923, sub-§1, as enacted by PL 1987, c. 840, §3, is amended to read:

1. Public safety answering point. By July 1, ~~1994~~ 1995, each municipality shall designate one public safety answering point to serve as the receiving point for all requests for emergency services within that municipality. The Department of Public Safety communication centers ~~shall~~ must serve as public safety answering points for the unorganized territory. If a municipality fails to designate a public safety answering point by July 1, ~~1994~~ 1995, the department shall designate one for the municipality.

Sec. 2. 30-A MRSA §453-A, as enacted by PL 1989, c. 104, Pt. A, §10 and Pt. C, §10, is repealed.

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

Effective May 31, 1991.

CHAPTER 233

S.P. 403 - L.D. 1079

An Act to Require Administrative Agencies to Create Municipal Fiscal Impact Statements When They Create Rules

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

5 MRSA §8063 is enacted to read:

§8063. Fiscal impact

Every rule proposed by an agency must contain a fiscal impact note at the end of the rule. The note must be placed on the rule prior to any public hearing and, in the case of rules adopted without a hearing, prior to the sending of notice under section 8053. The fiscal impact note must describe the estimated cost to municipalities and counties for implementing or complying with the proposed rule. If the proposed rule will not impose any cost on municipalities or counties, the fiscal impact note must state that fact.

This section does not apply to emergency rules.

See title page for effective date.

CHAPTER 234

H.P. 832 - L.D. 1198

An Act to Clarify the Procedures of Local Boards of Appeal

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

30-A MRSA §2691, sub-§3, ¶¶E to G, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

E. The transcript or tape recording of testimony, ~~any such a transcript or tape recording has been prepared by the board,~~ and the exhibits, together with all papers and requests filed in the proceeding, constitute the public record. All decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for the findings and conclusions, upon all the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief. Notice of any decision ~~shall~~ must be mailed or hand delivered to the petitioner, the petitioner's representative or agent, the planning board, agency or office and the municipal officers within 7 days of the board's decision.

F. The board may reconsider any decision reached under this section within 30 days of its prior decision. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 30 days of the date of the vote on the original decision. The board may conduct additional hearings and receive additional evidence and testimony as provided in this subsection.

G. Any party may take an appeal, within ~~30~~ 45 days after of the date of the vote on the original decision is rendered, to Superior Court from any order, relief or denial in accordance with the Maine Rules of Civil Procedure, Rule 80B. This time period may be extended by the court upon motion for good cause shown. The hearing before the Superior Court ~~shall~~ must be without a jury.

See title page for effective date.

CHAPTER 235

H.P. 478 - L.D. 672

An Act to Restructure Boards of Assessment Review

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

30-A MRSA §2526, sub-§6, ¶¶B and D, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

B. The board of assessment review ~~shall consist~~ consists of 3 members and 2 alternates appointed by the selectmen. The ~~town~~ municipality, when adopting such a board, may fix the compensation of the members. Initially, one member ~~shall~~ must be appointed for one year, one member for 2 years and one member for 3 years, and one of the alternates must be appointed for one year and one alternate for 2 years. Thereafter, the term of each new member or alternate is 3 years.

D. ~~Towns with a population of 5,000 or more~~ Municipalities may provide by ordinance for a board of assessment review consisting of 5 or 7 members and up to 3 alternates. The terms of office of members and alternates may not exceed 5 years and initial appointments ~~shall~~ must be such that the terms of office of no more than 2 members or alternates will expire in any single year.

See title page for effective date.

CHAPTER 236

H.P. 781 - L.D. 1113

An Act to Assist the Expansion of Municipal Sewer Systems

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

Sec. 1. 30-A MRSA §3442, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Estimate and assessment of costs; notice. When any municipality or sewer district has constructed and completed a public drain or common sewer, the municipal officers or sewer district trustees shall determine what lots or parcels of land are benefited by the drain or sewer, and shall estimate and assess upon the lots and parcels of land and against the owner of the land or person in possession, or against whom the taxes on the land are assessed, whether the person to whom the assessment is so made is the owner, tenant, lessee or agent and whether the land is occupied or not, the sum not exceeding the benefit they consider just and equitable towards defraying the expenses of constructing and completing the drain or sewer, together with any sewage disposal units and appurtenances that are necessary and in operation after May 31, 1979. The whole of the assessments may not exceed $\frac{1}{2}$ the cost of the drain or sewer and sewage disposal units unless 75% or more of the landowners that will be benefited by the expansion petition the municipal officers to construct the drain or sewer and sewage disposal unit and agree to pay a higher assessment that must be identified in the petition. The municipality or sewer district shall maintain and keep the drain or sewer in repair.

A. Farmland, as defined by Title 36, section 1102, subsection 4, is exempt from assessment under this subsection when no benefits are derived from the common sewer or drain. The owner of the farmland must notify the municipal officers or sewer district trustees that farmland property may qualify for this exception. The municipal officers or sewer district trustees shall revise the assessments against qualified farmland to exempt it from assessment. Any revision of assessment provided by this paragraph ~~shall~~ must be in writing and recorded by the clerk or sewer district trustees.

When the use of the land is changed from farmland, the owner shall within 60 days notify the municipal officers or sewer district trustees in writing of the change. The municipal officers or sewer district trustees shall assess this land in an amount equal to the assessment which would have been due but for this subsection. The municipal officers or sewer district trustees shall notify the owner of the assessment due which the owner shall pay within 60 days of notice or as provided by the municipal officers under their authority in section 3444.

Sec. 2. 30-A MRSA §4354, first ¶, as amended by PL 1991, c. 18, §2, is further amended to read:

~~A-~~ Notwithstanding section 3442, subsection 2, a municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. Notwithstanding section 3442, an impact fee may be imposed that results in a developer or developers paying the entire cost of an infrastructure improvement. A municipality may impose an impact fee either before or after completing the infrastructure improvement. No later than 2