

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

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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

years after the applicable deadlines established under section 4343, subsection 1, any impact fee ordinance must have been adopted as part of a certified local growth management program.

See title page for effective date.

CHAPTER 237

H.P. 643 - L.D. 917

An Act to Authorize Recovery of Certain Collection Costs

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

9-A MRSA §3-402, as amended by PL 1981, c. 293, §4, is repealed and the following enacted in its place:

§3-402. Limitation on default charges

1. The agreement with respect to a consumer credit transaction may not provide for any charges as a result of default by the consumer, except that the agreement may provide for the following:

A. Charges authorized by other provisions of this Act;

B. Notwithstanding section 2-507, reasonable charges incurred in realizing on a security interest in personal property securing a consumer loan or a consumer credit sale, other than attorney's fees; and

C. Notwithstanding section 2-507, reasonable attorney's fees, legal expenses and other reasonable costs incurred in realizing on real property securing a consumer loan or a consumer credit sale.

2. A provision in violation of this section is unenforceable.

See title page for effective date.

CHAPTER 238

H.P. 504 - L.D. 698

An Act to Require Repair of Septic Systems

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

Whereas, grants for the repair of substandard or malfunctioning wastewater treatment systems from the State may not be available within 30 days of application; and

Whereas, waters of the State are being contaminated by substandard or malfunctioning wastewater treatment systems; 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 §4927, sub-§6 is enacted to read:

6. Grants and loans unavailable; compliance. Following a period of 30 days from the date of application for assistance under this section, the unavailability of financial assistance under this section does not relieve an owner of a substandard or malfunctioning wastewater treatment system of that person's obligation to comply with the state water classification program, Title 38, chapter 3, subchapter I, article 4-A or any other provision of law.

Sec. 2. 38 MRSA §411, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §24, is further amended to read:

§411. State contribution to pollution abatement

The commissioner may pay an amount not to exceed 80% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners. The commissioner may make payments to the Maine Municipal Bond Bank to supply the State's share of the revolving loan fund established by Title 30-A, section 6006-A. The commissioner may pay up to 90% of the expense of a municipal or quasi-municipal pollution abatement construction program or a pollution abatement construction program in an unorganized township or plantation authorized by the county commissioners in which the construction cost of the project does not exceed \$100,000 as long as total expenditures for the small projects do not exceed \$1,000,000 in any fiscal year and not more than one grant is made to any applicant each year, except that the commissioner may pay up to 50% of the expense of individual projects serving seasonal dwellings or commercial establishments. The application for a grant under this ~~paragraph~~ section for a project serving a single-family dwelling, including outbuildings, or a single commercial establishment, must include a signed statement of the financial condition of the owner of the single-family dwelling or commercial establishment describing the need for the grant. That statement becomes part of the application record and no further evidence of need is required.

For small individual projects, following a period of 90 days from the date of application for assistance under this section, or as ground conditions permit, the unavailability of financial assistance under this section does not relieve an applicant of an obligation to comply with the state water classification program, Title 38, chapter 3, subchapter I, article 4-A or any other provision of law.