

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

13. Deeds of foreclosure and in lieu of foreclosure. A deed conveying real property back to a lender holding a bona fide mortgage that is genuinely in default, either by a sheriff conducting a foreclosure sale or by the mortgagor in lieu of foreclosure;

14. Deeds given pursuant to the United States Bankruptcy Code. Deeds given pursuant to the United States Bankruptcy Code;

15. Deeds to a trustee, nominee or straw. Any deeds:

A. To a trustee, nominee or straw party for the grantor as beneficial owner;

B. For the beneficial ownership of a person other than the grantor when, if that person were the grantee, no tax would be imposed upon the conveyance pursuant to this chapter; or

C. From a trustee, nominee or straw party to the beneficial owner; and

16. Certain corporate and partnership deeds. Deeds between a family corporation, partnership or limited partnership and its stockholders or partners for the purpose of transferring real property in the organization, dissolution or liquidation of the corporation, partnership or limited partnership under the laws of this State, provided that the deeds are given for no actual consideration other than shares, interests or debt securities of the corporation, partnership or limited partnership. For purposes of this subsection a family corporation, partnership or limited partnership is a corporation, partnership or limited partnership in which the majority of the voting stock of the corporation, or of the interests in the partnership or limited partnership is held by and the majority of the stockholders or partners are persons related to each other, including by adoption, as descendants or as spouses of descendants of a common ancestor who was also a transferor of the real property involved, or persons acting in a fiduciary capacity for persons so related.

Sec. 5. 36 MRSA §4641-D, first ¶, as amended by PL 1991, c. 591, Pt. Y, §1 and affected by §3, is further amended to read:

Any deed, except as provided in this section, must, when offered for recording, be accompanied by a statement or declaration prepared in duplicate and signed, subject to the penalties of perjury, by the parties to the transaction or their authorized representatives, declaring the consideration for value of the property transferred and indicating the taxpayer identification numbers of the grantor and grantee. The statement or declaration must include evidence of compliance with section 5250-A and reference to the appropriate tax map and parcel number unless no tax map exists that includes that property, in

which event the declaration must indicate that no appropriate tax map exists. The exceptions to the foregoing are the following:

Sec. 6. 36 MRSA §4641-E, as amended by PL 1977, c. 679, §32, is further amended to read:

§4641-E. Powers and duties of State Tax Assessor

The State Tax Assessor is authorized to prescribe such rules and regulations as ~~he may deem~~ are necessary to carry out the purposes of this chapter.

Within ~~2~~ 3 years of the recording of a deed subject to the tax imposed by this chapter, the State Tax Assessor may examine any books, papers, records or memoranda of the grantor or grantee bearing upon the amount of tax payable, and may enforce that right of examination by subpoena ~~his right to such examination~~. If ~~he shall determine~~ the assessor determines that there is a deficiency of taxes due under this chapter, ~~he shall assess~~ such deficiency must be assessed, together with interest and penalties, giving with notice to the persons liable, but no such assessment ~~can~~ may be made more than ~~2~~ 3 years after the date of recording.

Sec. 7. 36 MRSA §4641-K, as repealed and replaced by PL 1977, c. 696, §294, is amended to read:

§4641-K. Falsifying declaration of value

Any person who knowingly falsifies the ~~consideration or declaration~~ of value prescribed by section 4641-D or refuses to permit the State Tax Assessor, or any of ~~his~~ the State Tax Assessor's agents or representatives to inspect ~~that~~ property; in question or any relevant books, papers, records or memoranda within ~~2~~ 3 years after recording, or knowingly alters, cancels or obliterates any part thereof, or knowingly makes any false entry therein ~~shall be~~ is guilty of a Class E crime.

See title page for effective date.

CHAPTER 399

S.P. 346 - L.D. 1041

**An Act to Expedite Maintenance of
Utility Facilities**

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

Sec. 1. 35-A MRSA §2522 is enacted to read:

§2522. Maintenance of utility facilities

Notwithstanding any other provision of law, an electric utility or telephone utility may trim, cut or re-

move by cutting trees located within the public right-of-way of a public way and may trim or cut portions of trees encroaching upon the public right-of-way when necessary to ensure safe and reliable service if:

1. Notice to applicable licensing authority. Notice is provided by the utility to the applicable licensing authority, as defined in section 2502, at least 30 days before the trimming, cutting or removal of trees;

2. Consultation with applicable licensing authority. Upon request of the applicable licensing authority, the utility consults with the applicable licensing authority before the trimming, cutting or removal of trees. Notice must be sent to each municipality in which trimming, cutting or removal of trees is to be conducted and the utility shall consult with the applicable municipal licensing authority or, if none, the municipal officers before commencing operations. The municipal licensing authority or, if none, the municipal officers may elect to hold a public hearing on the utility's proposal and, if so, the utility may not commence operations until after the public hearing has been held;

3. Public notice. Public notice is placed in at least 2 newspapers with circulation in the area where trimming, cutting or removal of trees is scheduled to occur at least 30 days before the trimming, cutting or removal of those trees. The notice must state that customers may request to be placed on the list, required under subsection 4, of persons who have requested to be personally consulted before the trimming, cutting or removal of trees;

4. Customer notice list. Before the trimming, cutting or removal of trees, the utility confers with any person who requests personal consultation concerning the trimming, cutting or removal of trees on property in which the person has a legal interest. The utility shall keep a list of persons who have requested personal consultation under this subsection. The utility shall notify annually, in the form of a bill insert, all of the utility's customers of the opportunity to be on the list required under this subsection; and

5. Shade and ornamental trees. Before removing a shade or ornamental tree, the utility consults with the owner of the land upon which the tree is located. For purposes of this subsection, "owner" includes a person who owns the underlying fee interest in land encumbered with a public easement.

This section does not apply to trimming, cutting or removal of trees undertaken in emergency situations.

See title page for effective date.

CHAPTER 400

H.P. 1141 - L.D. 1541

An Act Authorizing a Referendum to Ratify the Texas Low-Level Radioactive Waste Disposal Compact with Maine and Vermont and Approving the Compact's Terms

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

Whereas, the Governor has negotiated an interstate compact agreement with the states of Texas and Vermont for the disposal of low-level radioactive waste generated in this State over a 30-year period at a proposed disposal facility in West Texas; and

Whereas, existing law requires legislative ratification of any compact or agreement with any other state or states for low-level radioactive waste disposal; and

Whereas, the Secretary of State must undertake the preparation of ballots prior to the 90th day following adjournment of the First Regular Session of the 116th Legislature; 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. 38 MRSA §1494, as amended by PL 1987, c. 769, Pt. B, §10, is further amended to read:

§1494. Low-level radioactive waste compact referendum

The State of Maine ~~shall~~ may not enter into any compact or agreement with any other state or states or with the Federal Government concerning the disposal or storage of low-level radioactive waste either within or without the State unless the compact or agreement has been approved by a majority of the voters voting ~~thereon~~ on the compact or agreement in a statewide election. ~~Such~~ The election shall ~~must~~ be held in the manner prescribed by law for holding a statewide election and in accordance with the procedures ~~set forth under in~~ Title 35-A, section 4302. The voters shall ~~be asked to~~ vote on the acceptance or rejection of the compact or agreement by voting on the following question:

"Do you approve of the (insert compact or agreement) to be made with (insert name of state or states or "the Federal Government") for the (insert disposal or stor-