

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

Sec. C-10. 4 MRSA §24, as amended by PL 1983, c. 269, §§6 and 9, is further amended to read:

§24. Operating budgets

The State Court Administrator shall, subject to the approval of the Chief Justice, prepare biennially a consolidated operating budget for all courts in the State to be known as the Judicial Department operating budget. ~~He shall~~ The administrator may be assisted in this task by the Chief Justice of the Superior Court and the Chief Judge of the District Court.

The State Court Administrator shall prepare the consolidated court budget according to procedures prescribed by the State Budget Officer. Budget requests and other additional information as requested ~~shall~~ must be transmitted to the State Budget Officer on or before September 1st of the ~~even-numbered~~ even-numbered years. The Governor shall include in the budget submission the judicial budget without revision, in accordance with Title 5, section 1664, but with ~~such~~ recommendations as he may deem the Governor considers proper.

The State Court Administrator, subject to the approval of the Chief Justice, shall prescribe the financial management procedures to be used in all courts of the Judicial Department.

Sec. C-11. 5 MRSA §1664, last ¶ is enacted to read:

If the Governor submits legislation setting forth appropriations or allocations for the Judicial Department that differ from the full budget request submitted by the Judicial Department under Title 4, section 24, the Governor shall simultaneously submit a report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and judiciary matters explaining why the Governor's budget legislation differs from the Judicial Department's budget submission.

Sec. C-12. 5 MRSA Pt. 27 is enacted to read:

PART 27
INTERBRANCH COMMUNICATION
AND COORDINATION
CHAPTER 555
INTERBRANCH COMMUNICATION
AND COORDINATION

§21201. Findings

The Legislature finds that difficulties in interactions among the Executive Department, the Legislature and the Judicial Department often arise from the lack of understanding of the functions, structures, needs and perspectives of the 3 separate but coequal branches of government. Increased communication and coordination in daily activities as well as in long-range planning are possible to improve the effectiveness and efficiency of all 3 branches without the imposition of the views or directions of one or 2 branches upon another.

§21202. Interbranch forum

1. Annual interbranch forum. Beginning in February 1995 and at least every year thereafter, the Chief Justice of the Supreme Judicial Court, the Governor, the President of the Senate and the Speaker of the House of Representatives shall jointly convene an interbranch forum.

2. Purpose of forum. The purpose of the interbranch forum is to provide for discussions among the top policymakers from each branch of government to address the need for cooperation and coordination at all levels. Topics to be discussed may include, but are not limited to:

- A. An integrated system of communication;
- B. A technology plan;
- C. Long-range planning; and
- D. The allocation and use of resources.

3. More frequent forums. Representatives of the 3 branches may convene a forum as often as they determine it is appropriate.

4. Expenses. Each branch absorbs the expenses for convening and holding interbranch forums within the general operating budgets for each department.

See title page for effective date.

CHAPTER 676
H.P. 1096 - L.D. 1483
An Act Regarding Cable Television

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

Sec. 1. 30-A MRSA §3010, sub-§1, ¶A, as enacted by PL 1989, c. 352, is amended to read:

A. In the event service to any subscriber is interrupted for 24 or more consecutive hours, it will, upon request, grant that subscriber a pro rata credit or rebate.

Sec. 2. 30-A MRSA §3010, sub-§6-B, as amended by PL 1993, c. 513, §1, is further amended to read:

6-B. Late fees. A cable television system operator may not charge a late fee or other penalty or charge for late payment of any bill that exceeds 1.5% per month of the amount due in the bill. ~~If a late fee is charged on more than one level of service, it must be calculated on the total dollar amount of such services, and may not be calculated separately on each service to which it applies and then cumulated. If the bill includes separate charges for different levels of service, a late fee or other penalty or charge must be calculated on the total amount overdue for all levels of service and may not be calculated separately for each level of service.~~ A payment is not late under this subsection until at least 30 days after those services to which the late fee applies have been received by the consumer.

Sec. 3. Introduction of legislation authorized. The joint standing committee of the Legislature having jurisdiction over utilities matters may report out legislation to the First Regular Session or the Second Regular Session of the 117th Legislature that the committee determines necessary to implement the regulatory authority granted to the State under rules adopted by the Federal Communications Commission pursuant to the federal Cable Television Consumer Protection and Competition Act of 1992.

See title page for effective date.

CHAPTER 677

H.P. 1238 - L.D. 1665

An Act Regarding Access to Property via Abandoned Roads

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

Sec. 1. 14 MRSA §6663 is enacted to read:

§6663. Claim of prescriptive easement over abandoned way

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Abandoned way" means a public way abandoned before September 3, 1965.

B. "Landlocked property" means real property that abuts an abandoned way and over which there is no established title to a way of access by land.

C. "Owner of landlocked property" means a person who holds title to the property as the result of a conveyance of the property to that person by gift, devise or the operation of the intestacy laws.

2. Expedited procedure. An owner of landlocked property claiming a prescriptive easement over an abandoned way under this chapter may initiate a proceeding under this section. Except as otherwise provided in this subsection, if the owner of landlocked property claiming a prescriptive easement initiates a proceeding under this section, the expedited procedures of this section must be completed before a party to the action may bring further action under other applicable provisions of this chapter. The parties to the proceeding initiated under this section may agree to forego completion of the action under this section. Any other claims by the parties regarding access to the landlocked property are not diminished by the operation of this section but actions to enforce those claims are stayed until a proceeding under this section is complete.

3. Notice of claim. Notice of a claim under this section must be provided as follows.

A. An owner of landlocked property initiating a proceeding under this section must commence the action by filing a notice claiming a prescriptive easement at the office of the clerk of the District Court or the Superior Court in the district or county, respectively, in which the property against which the claim is asserted is located. The clerk shall provide the claimant with a form on which to place the notice. The claimant shall pay the clerk a filing fee established by the court to cover the court's costs of the action.

B. The claimant shall serve a copy of the notice on the owner of the property against which the claimant asserts a prescriptive easement. The claimant shall serve this notice by certified mail, return receipt requested, within 10 days of the filing of the notice with the court clerk. Within 20 days of receipt of the notice the recipient shall file an appearance with the court clerk.

4. Referee and hearing. The court shall appoint a referee to hear the claim. The claimant or a representative of the claimant shall present the case before the referee. The respondent or a representative of the respondent shall make a responding presentation. The referee shall make all procedural rulings.