

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

**Maine Commission for
Community Service**

All Other	\$1,000	\$1,000
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Provides authorization for the expenditure of contributions from private and public agencies to be used solely for the Maine Commission for Community Service within the State Planning Office.

See title page for effective date.

CHAPTER 55

S.P. 212 - L.D. 554

**An Act Concerning the System of
State Law Libraries**

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

Whereas, current laws providing for a system of law libraries in Houlton, Farmington, Dover-Foxcroft and Belfast are repealed July 1, 1995; and

Whereas, law libraries in these communities are a significant resource to members of the public and bar; 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Sec. 1. 4 MRSA §193, last ¶, as enacted by PL 1993, c. 375, §3 and affected by §5, is repealed.

Sec. 2. PL 1993, c. 375, §5 is repealed.

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

Effective May 3, 1995.

CHAPTER 56

H.P. 410 - L.D. 567

**An Act Relating to Municipal Clerks
Who Chair Boards of Voter
Registration**

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

Sec. 1. 21-A MRSA §103, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until ~~his~~ the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until ~~his~~ that member's successor is appointed and sworn, except that, when the member nominated by the clerk and appointed to the board is the clerk of the municipality, the clerk's tenure as member ends when the clerk's tenure as clerk ends, unless sooner removed from office on the board.

Sec. 2. 21-A MRSA §103, sub-§8, as amended by PL 1991, c. 862, §2, is further amended to read:

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement, except that when the chair of the board is the clerk of the municipality, the chair may also be removed from office at any time during the chair's term by the municipal officers, for good cause, after notice and opportunity to be heard. When the clerk of the municipality is removed from the board, the municipal officers may appoint a replacement of their choice. The Any replacement nominee member shall serve out the remainder of the replaced member's term.

Sec. 3. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 21-A, section 103, subsection 8 applies retroactively to October 9, 1991.

See title page for effective date.

CHAPTER 57

H.P. 421 - L.D. 578

**An Act to Amend Certain Laws
Relating to the Collection of
Property Taxes**

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

Sec. 1. 30-A MRSA §2603, first ¶, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

The clerk, treasurer and collector of a municipality may each appoint in writing a one or more qualified person persons as deputy deputies.

Sec. 2. 32 MRSA §281, sub-§5 is enacted to read:

5. Tax-acquired property. This chapter does not apply to the sale by or on behalf of a municipality of any real or personal property acquired by that municipality for nonpayment of taxes.

Sec. 3. 33 MRSA §1853, sub-§5, as enacted by PL 1987, c. 691, §4, is amended to read:

5. Exception for certain municipally acquired property. This section chapter does not apply to tangible personal property located in or on real property acquired by a municipality for taxes or tangible personal property located in "dangerous buildings," as described by Title 17, section 2851. Personal property located within in or on real property acquired by a municipality for taxes or within "dangerous buildings" shall must be removed by the owner or owners within 21 days after written notice to do so by the municipal officers. The notice shall must be sent by certified mail, return receipt requested, to the owner or owners at their last known address. The notice shall must specify that unless the tangible personal property is removed it will be disposed of by the municipality. Any municipality which that has complied with this subsection shall is not be liable for the disposal of tangible personal property under this section chapter.

Sec. 4. 36 MRSA §505, first ¶ is amended to read:

At any meeting, ~~when at which~~ it votes to raise a tax, or at any subsequent meeting prior to the commitment of that tax, a municipality may, with respect to ~~such~~ the tax, by vote determine:

Sec. 5. 36 MRSA §506-A, as enacted by PL 1985, c. 333, §§2 and 3, is amended to read:

§506-A. Overpayment of taxes

Except as provided in section 506, a taxpayer who pays an amount in excess of that finally assessed shall must be repaid the amount of the overpayment plus interest from the date of overpayment at a rate to be established by the municipality. ~~The~~ With respect to overpayments of taxes relating to property tax years beginning prior to April 1, 1996, the rate of interest

may not exceed the interest rate established by the municipality for delinquent taxes reduced by 4% but may not be less than 8% nor greater than 12%. With respect to overpayments of taxes relating to property tax years beginning on or after April 1, 1996, the rate of interest may not exceed the interest rate established by the municipality for delinquent taxes or be less than that rate reduced by 4%. If a municipality fails to set a rate, it shall pay interest at the rate ~~of 12%~~ it has established for delinquent taxes.

Sec. 6. 36 MRSA §942, last ¶, as amended by PL 1977, c. 630, §8, is further amended to read:

The municipality shall pay the tax collector \$4 ~~§3~~ for the notice, \$1 for filing the tax lien certificate and the amount paid for certified mail, return receipt requested, fees. The fees for recording the tax lien certificate and for discharging the tax lien mortgage ~~shall must~~ be paid by the municipality to the register of deeds.

See title page for effective date.

CHAPTER 58

H.P. 427 - L.D. 590

**An Act to Clarify Law Enforcement
Relating to Junkyards and
Automobile Graveyards**

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

Sec. 1. 30-A MRSA §4452, sub-§5, ¶J, as amended by PL 1991, c. 548, Pt. D, §6, is repealed and the following enacted in its place:

J. Laws pertaining to junkyards, automobile graveyards and automobile recycling businesses and local ordinances regarding junkyards, automobile graveyards and automobile recycling businesses, pursuant to chapter 183, subchapter I.

See title page for effective date.

CHAPTER 59

H.P. 695 - L.D. 953

**An Act to Amend the Workers'
Compensation Board's Annual
Assessment**

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