

# 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**  
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**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

## CHAPTER 91

## H.P. 419 - L.D. 576

**An Act to Facilitate the Use of the  
Installment Method for the  
Collection of Sewer Assessments and  
Charges**

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

**Sec. 1. 30-A MRSA §3444, sub-§1**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**1. Payment over time.** ~~The legislative body~~ municipal officers of a municipality may ~~enact an ordinance~~ adopt an order generally authorizing the assessors and the tax collector to assess and collect those assessments and charges over a period of time not exceeding 10 years, including expenses involved in the municipality's abatement of malfunctioning domestic waste water disposal units under section 3428, subsection 4.

A. The assessors and collector may exercise this authority only when the person assessed has agreed to that method of assessment and collection in writing and notice of that fact has been recorded in the appropriate registry of deeds.

B. The municipal officers shall annually file with the collector a list of installment payments due the municipality, which ~~shall~~ must be collected with interest at a rate determined by the municipal officers. If, within 30 days after written notice of the total amount of the assessments and charges, or annual installment payment and interest, the person assessed fails, neglects or refuses to pay the municipality the expense incurred, the municipal assessors may assess a special tax, equal to the amount of the total unpaid assessment and charges, upon each lot or parcel of land so assessed and buildings upon the lot or parcel of land. This assessment ~~shall~~ must be included in the next annual warrant to the tax collector for collection and ~~shall~~ must be collected in the same manner as state, county and municipal taxes are collected.

(1) Interest at the ~~rate of 12% per year~~ same rate used for delinquent property taxes as established by Title 36, section 505, subsection 4 on the unpaid portion of assessments and charges due the municipality ~~shall accrue~~ accrues from the 30th day after written notice to the person assessed and ~~shall~~ must be added to and ~~become~~ be-

comes part of the special tax when committed to the tax collector.

See title page for effective date.

## CHAPTER 92

## H.P. 452 - L.D. 618

**An Act to Change the Definitions of  
"River," "Stream" and "Brook" in  
the Environmental Laws**

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

**Sec. 1. 38 MRSA §436-A, sub-§11-A**, as amended by PL 1991, c. 346, §3, is further amended to read:

**11-A. Stream.** "Stream" means a free-flowing body of water from the outlet of a great pond or the point of confluence of 2 perennial streams as depicted by a solid blue line on the most recent edition of a United States Geological Survey 7.5-minute series topographic map; or, if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area.

**Sec. 2. 38 MRSA §480-B, sub-§9**, as enacted by PL 1987, c. 809, §2, is repealed and the following enacted in its place:

**9. River, stream or brook.** "River, stream or brook" means a channel between defined banks and associated flood plain wetlands. A channel is created by the action of surface water and has 2 or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if that is not available, a 15-minute series topographic map.

B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.

C. The channel bed is primarily composed of mineral material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.

D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present, within the stream bed.

E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

See title page for effective date.

**CHAPTER 93**

**H.P. 481 - L.D. 662**

**An Act to Amend the Municipal Subdivision Laws Regarding Application Requirements**

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

**Sec. 1. 30-A MRSA §4403, sub-§3, ¶D** is enacted to read:

D. The municipal reviewing authority may not accept or approve final plans or final documents prepared within the meaning and intent of Title 32, chapter 121 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, section 13907.

See title page for effective date.

**CHAPTER 94**

**S.P. 275 - L.D. 725**

**An Act to Clarify the Discharge of Mortgages**

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

**Sec. 1. 33 MRSA §553-A, sub-§5,** as enacted by PL 1993, c. 534, §2, is amended to read:

**5. Exception.** A mortgage may not be discharged as provided by this section if the holder of the mortgage at the time a discharge is sought is a financial institution or credit union authorized to do business in the State as defined by in Title 9-B, section 131, subsection 12-A or 17-A.

See title page for effective date.

**CHAPTER 95**

**H.P. 544 - L.D. 740**

**An Act Concerning Cocurricular Activity Eligibility for Students Identified under the Federal Individuals with Disabilities Education Act**

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

**Sec. 1. 20-A MRSA §7201, sub-§6** is enacted to read:

**6. Participation in cocurricular activities.** Eligibility for an exceptional student to participate in cocurricular activities may not be denied solely because the student is enrolled in a reduced course load when the reduced course load is due to the student's exceptionality, provided that the student is satisfactorily completing the requirements of the educational components of an individualized education plan and is otherwise in compliance with the plan. If the student is not satisfactorily completing the educational components of an individualized education plan or is not otherwise in compliance with the plan, the student's eligibility may be determined in the same manner as the eligibility of a nonexceptional student who is not satisfying the applicable academic standards.

See title page for effective date.

**CHAPTER 96**

**H.P. 574 - L.D. 779**

**An Act to Allow the Maine Technical College System to Grant Utility Easements**

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

**Sec. 1. 20-A MRSA §12706, sub-§13,** as amended by PL 1991, c. 246, §10, is further amended to read:

**13. Property management.** To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities. The purchase and installation of faucets, shower heads, toilets and urinals is subject to Title 5, section 1762-A. If the board of trustees proposes to sell or permanently transfer any