

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

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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

J.S. McCarthy Company
Augusta, Maine
1995

6. Appeals. A party may appeal the decision of the county board of assessment review to the Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80B. If the county board of assessment review fails to give written notice of its decision within 60 days of the date the application was filed, unless the applicant agrees in writing to further delay, the application is deemed denied and the applicant may appeal to the Superior Court as if there had been a written denial.

§844-N. Primary assessing area board of assessment review

1. Organization. A primary assessing area board of assessment review, as authorized by section 471-A, consists of 5 or 7 members who serve staggered terms of at least 3 but no more than 5 years. The terms must be determined by rule of the board. The board shall elect annually a chair and a secretary from among its members. A municipal officer or the spouse of a municipal officer may not be a member of the board. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting on that issue must be decided by a majority vote of the members, excluding the member who is being challenged. The municipal officers or the executive committee, where applicable, may dismiss a member of the board for cause before the member's term expires.

2. Meetings; records. The chair shall call meetings of the board as required. The chair shall also call meetings of the board when requested to do so by a majority of the board members or by the municipal officers or the executive committee, where applicable. A majority of the board's members constitutes a quorum. The chair shall preside at the meetings of the board and is the official spokesperson of the board. The secretary shall maintain a permanent record of the board meetings, the correspondence of the board and the records that are required as part of the various proceedings brought before the board. The records maintained or prepared by the secretary must be filed in the primary assessing area board of assessment review office and subject to public inspection in accordance with Title 1, chapter 13, unless excepted from the definition of public records under Title 1, section 402, subsection 3 or otherwise exempt from disclosure under Title 1, chapter 13.

3. Hearing. The board shall adopt rules to establish the procedure for the conduct of a hearing; however, the chair may waive any rule upon good cause shown.

4. Evidence. The board shall receive oral or documentary evidence and, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Each party may present

its case or defense by oral or documentary evidence, submit rebuttal evidence and conduct cross-examination that is required for a full and true disclosure of the facts.

5. Testimony; record; notice. The transcript or tape recording of testimony, if such a transcript or tape recording has been prepared by the board, and the exhibits, with all papers and requests filed in the proceeding, constitute the record. Decisions become a part of the record and must include a statement of findings and conclusions, as well as the reasons or basis for those findings and conclusions, upon the material issues of fact, law or discretion presented and the appropriate order, relief or denial of relief. If the board determines that the applicant is over-assessed, it shall grant such reasonable abatement as the board determines proper. Notice of a decision must be mailed or hand delivered to all parties and the municipal officers or the executive committee, where applicable, within 10 days of the board's decision.

Sec. 10. 36 MRSA §850, as enacted by PL 1985, c. 764, §19, is repealed.

Sec. 11. Application. This Act applies for any appeal filed that is based on assessments made for any property tax year that begins on or after April 1, 1996.

See title page for effective date.

CHAPTER 263

S.P. 550 - L.D. 1509

**An Act to Prohibit the Sale of
Firearms to Minors without Parental
Approval**

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

Sec. 1. 17-A MRSA §554, sub-§1, ¶B, as enacted by PL 1991, c. 672, §1, is amended to read:

B. Knowingly sells, furnishes, gives away or offers to sell, furnish or give away to a child under 16 years of age any intoxicating liquor, cigarettes, tobacco, air rifles, ~~firearms~~ or ammunition for firearms; or

Sec. 2. 17-A MRSA §554, sub-§2, ¶C, as enacted by PL 1991, c. 672, §2, is amended to read:

C. The defendant was the parent, foster parent, guardian or an adult approved by the parent, foster parent or guardian who furnished a child under 16 years of age an air rifle, ~~a firearm~~ or

ammunition for a firearm for use in a supervised manner.

Sec. 3. 17-A MRSA §554-A is enacted to read:

§554-A. Unlawful transfer of a firearm to a minor

1. As used in this section, the following terms have the following meanings.

A. "Transfer" means to sell, furnish, give, lend, deliver or otherwise provide, with or without consideration.

B. "Minor" means a person under 16 years of age.

2. A person is guilty of unlawfully transferring a firearm to a minor if that person, who is not the parent, foster parent or guardian of the minor, knowingly transfers a firearm to a minor.

3. It is an affirmative defense to a prosecution under subsection 2 that:

A. The actor reasonably believed the person receiving the firearm had attained 16 years of age. A reasonable belief can not be based solely upon the physical appearance of the person or upon the oral representation of that person as to that person's age; or

B. The transfer of the firearm to the minor was approved by the parent, foster parent or guardian of the minor.

4. Unlawful transfer of a firearm to a minor is a Class D crime.

See title page for effective date.

CHAPTER 264

H.P. 692 - L.D. 943

An Act to Create an Honorary Position of Maine State Poet Laureate

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

Sec. 1. 5 MRSA §12004-I, sub-§5-A is enacted to read:

<u>5-A.</u>	<u>State Poet</u>	<u>Not</u>	<u>27</u>
<u>Culture</u>	<u>Laureate</u>	<u>Authorized</u>	<u>MRSA</u>
	<u>Selection</u>		<u>§421</u>
	<u>Advisory</u>		

Panel

Sec. 2. 27 MRSA c. 15 is amended by repealing the chapter headnote and enacting the following in its place:

CHAPTER 15

THE ARTS

SUBCHAPTER I

MAINE ARTS COMMISSION

Sec. 3. 27 MRSA c. 15, sub-c. II is enacted to read:

SUBCHAPTER II

STATE POET LAUREATE

§421. Honorary office created

The honorary office of State Poet Laureate is created.

1. Appointment. On March 31st of each year, the Governor shall appoint an individual to serve as State Poet Laureate, selected from the names presented by the advisory panel created in subsection 3.

2. Term. The State Poet Laureate shall serve a one-year term from March 31st to March 31st of the following year. An individual may serve as State Poet Laureate for no more than 3 consecutive terms, but may be reappointed after a year's break from service.

3. Advisory panel. The State Poet Laureate Selection Advisory Panel as established in Title 5, section 12004-I, subsection 5-A, referred to in this subchapter as the "panel," is created in accordance with the following provisions.

A. The panel is composed of one representative of the University of Maine System with expertise in poetry, selected by the Board of Trustees of the University of Maine System; one representative of private colleges and universities in the State with expertise in poetry, selected by an association of independent colleges; one public school teacher with expertise in poetry, selected by an association of secondary English teachers in the State; and the director of the Maine State Library and the Director of the Maine Arts Commission, who serve as cochairs.

B. Each panel member shall annually survey the colleagues the member represents to identify the names of potential candidates to be considered by the full panel for the position of State Poet Laureate. By March 1st of each year, the panel