

# 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**

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

bargaining agreement has been signed and ratified by both parties and approved by the Legislature as provided by section 17103, subsection 14.

**Sec. 2. PL 1993, c. 410, Pt. L, §47, sub-§5-A** is enacted to read:

**5-A. Transferred employees' rights with respect to return to state service after transfer period ends.** Beginning July 1, 1995 and continuing until 180 days after the date upon which the initial collective bargaining agreement between the Maine State Retirement System and the collective bargaining agent that represents the employees of the system becomes effective, those employees of the system on the effective date of this subsection who were employed at the system on July 1, 1993 and were transferred under the provisions of subsection 5 are entitled to apply and be considered for positions in state service as if they were state employees and they retain all applicable seniority rights and privileges and all other rights and privileges with respect to seeking and returning to employment in state service. For purposes of this subsection, "becomes effective" means that the collective bargaining agreement has been signed and ratified by both parties and approved by the Legislature as provided by the Maine Revised Statutes, Title 5, section 17103, subsection 14. Upon reemployment with the State, these employees must be treated as if they had remained in state service from June 30, 1993 to the date of reemployment. The period from June 30, 1993 to the date of reemployment does not constitute a break in service and counts as state service for purposes of seniority. Membership in the Maine State Retirement System for employees who return to state service in accordance with this section is governed by Title 5, section 18253, subsection 1, paragraph D.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 1995.

Effective July 1, 1995.

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**CHAPTER 364**

**S.P. 501 - L.D. 1360**

**An Act Concerning Judicial Endorsement for Persons Transported and Held for Evaluation and Treatment**

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

**Sec. 1. 34-B MRSA §3863, sub-§3, ¶C,** as amended by PL 1995, c. 62, §3, is further amended to read:

C. Notwithstanding paragraph B, subparagraphs (1) and (2), a person sought to be admitted informally under section 3831 or involuntarily under this section may be transported to a hospital and held for evaluation and treatment at a hospital pending judicial endorsement of the application and certificate if the endorsement is obtained between the soonest available hours of 7:00 a.m. and 11:00 p.m. ~~This paragraph is repealed October 1, 1997.~~

See title page for effective date.

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**CHAPTER 365**

**H.P. 1036 - L.D. 1455**

**An Act Requiring Mobile Home Park Operators to Notify Lienholders Prior to Eviction**

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

**Sec. 1. 10 MRSA §9093, sub-§4** is enacted to read:

**4. Rental payments.** A mobile home park owner or operator may establish a park rule to require that all rental payments and other fees due to the mobile home park owner or operator be paid in full before the home is removed from the park, sold or occupied by a new tenant or owner. If the owner or occupant is a lienholder who has informed the mobile home park owner or operator of its lien on the home pursuant to section 9097, subsection 2-A, the terms of that subsection apply.

**Sec. 2. 10 MRSA §9097, sub-§2-A** is enacted to read:

**2-A. Notice to lienholders.** At least 20 days prior to the termination of a tenancy in a mobile home park, the mobile home park owner or operator shall give written notice to any holder of a lien on the mobile home, provided that the lienholder previously gave the mobile home park owner or operator written notice of the lien. The written notice to the lienholder must specify the amount of any unpaid rent, fees or assessments owed by the tenant to the mobile home park owner or operator. The total amount may not exceed the rent and other recurring monthly charges applicable to all lots, including but not limited to water, sewer and trash collection charges, due for the 3 months immediately prior to the notice. Failure to notify a lienholder who met the notification requirements prohibits eviction of the tenant pursuant to section 9093 but does not constitute a basis for liability of the mobile home park owner or operator to the lienholder.

If the lienholder pays the total amount specified in the notice plus rent and other charges that come due subsequent to the notice, the lienholder may:

A. Foreclose on the mobile home; and

B. Assume the tenant's right to sell the mobile home in the mobile home park, provided that the lienholder continues to satisfy the obligations of tenancy. The sale is subject to the laws and rules governing the sale of mobile homes located in a mobile home park, including, but not limited to, section 9094.

See title page for effective date.

## CHAPTER 366

H.P. 1066 - L.D. 1501

### An Act to Include Child Care Centers in the Property Tax Exemptions and to Amend the Review Schedule for Property Tax Exemptions

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

**Sec. 1. 36 MRSA §652, sub-§1, ¶A**, as amended by PL 1993, c. 286, §1 and affected by §2, is further amended to read:

A. The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State, and none of these may be deprived of the right of exemption by reason of the source from which its funds are derived or by reason of limitation in the classes of persons for whose benefit such funds are applied.

(1) Any such institution that is in fact conducted or operated principally for the benefit of persons who are not residents of Maine is entitled to an exemption not to exceed \$50,000 of current just value only when the total amount of any stipends or charges that it makes or takes during any tax year, as defined by section 502, for its services, benefits or advantages divided by the total number of persons receiving such services, benefits or advantages during the same tax year does not result in an average rate in excess of \$30 per week when said weekly rate is computed by dividing the average yearly charge per person by the total number of weeks in a tax year during which such institution is in fact conducted or operated principally for the benefit of

persons who are not residents of Maine. No such institution that is in fact conducted or operated principally for the benefit of persons who are not residents of Maine and makes charges that result in an average weekly rate per person, as computed under this subparagraph, in excess of \$30 may be entitled to tax exemption. This subparagraph does not apply to institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research.

For the purposes of this paragraph, "benevolent and charitable institutions" include, but are not limited to, nonprofit nursing homes and nonprofit boarding homes and boarding care facilities licensed by the Department of Human Services pursuant to Title 22, chapter 1665 or its successor ~~and~~ nonprofit community mental health service facilities licensed by the Commissioner of Mental Health and Mental Retardation, pursuant to Title 34-B, chapter 3 and nonprofit child care centers incorporated by this State as benevolent and charitable institutions. For the purposes of this paragraph, "nonprofit" means a facility exempt from taxation under Section 501(c)(3) of the Code;

See title page for effective date.

## CHAPTER 367

H.P. 1064 - L.D. 1499

### An Act to Extend the Deadline for a Maine State Police Officer to Choose a Certain Retirement Option

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

**Whereas**, Public Law 1993, chapter 626 provides an early retirement option to state police officers, provided the officers notify the Maine State Retirement System of their intent to exercise the option and pay the actuarial cost of the new benefit; and

**Whereas**, state police officers exercising the option must notify the Maine State Retirement System of their decision to do so by July 1, 1995; and

**Whereas**, the Maine State Retirement System is directed to develop a methodology for calculating the actuarial costs of exercising the option in order to make that information available to state police officers contemplating exercising the option; and