

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

CHAPTER 257-A**CONTROL OF BROWNTAIL MOTHS****§1444. Control of browntail moths**

1. Declaration of public health nuisance. The Director of the Bureau of Health may declare that an infestation of browntail moths is a public health nuisance. The declaration may be made on the director's own initiative or on petition to the director by municipal officers in a municipality affected by the infestation.

2. Aerial spraying. When the infestation causing a public health nuisance may be controlled by the aerial spraying of pesticides, the municipal officers in the affected municipality may conduct aerial spraying subject to rules adopted by the Board of Pesticides Control, pursuant to Title 22, section 1471-R, subsection 3, paragraph C, except that:

A. The municipality rather than the applicator is responsible for compliance with the notification and consent regulations;

B. Landowners who are sent written notification by mail, sent to the landowner's last known address as contained in the municipal assessing records and who fail to respond to the notice within 30 days are deemed to have consented to aerial spraying;

C. A landowner's written consent to spray remains valid unless the municipal officers are notified in writing at least 90 days before spraying is to occur that:

(1) The landowner withdraws consent; or

(2) Ownership of the property has been transferred and the notice contains the name and mailing address of the new owner;

D. Any such notice sent or consent received in calendar year 1997 prior to the effective date of this chapter constitutes adequate notice or consent under the law;

E. Written notice to the landowners must identify the chemicals to be used in the aerial spraying; and

F. Public notice of the date of the aerial spraying, subject to change because of weather conditions, must be given 24 hours prior to the spraying.

3. Refusal to consent; cost of extermination. After the declaration of the Director of the Bureau of Health and a written declaration by the municipal officers of their intent to conduct aerial spraying, any

landowner who refuses to consent to aerial spraying shall remove any browntail moth infestation from that landowner's property at that landowner's expense in a time and manner satisfactory to the local health officer. Regardless of whether the nonconsenting landowner's property has an infestation of moths, the nonconsenting landowner is also liable for the additional expenses actually incurred by neighboring consenting landowners or the municipality when neighboring consenting landowners or the municipality uses a method of removal other than aerial spraying due to lack of consent. In such cases, consenting landowners shall remove any browntail moth infestation from their own property at their own initial expense in a time and manner satisfactory to the local health officer.

All additional expenses incurred by a municipality must be repaid to the municipality within 30 days after written demand mailed to the nonconsenting landowner by the municipal officers. If the written demand is not met, a service charge may be assessed by the municipal officers against the land of the nonconsenting landowner for the amount of those expenses. The service charge must be collected in the same manner as municipal sewer service charges are collected pursuant to Title 30-A, section 3406.

All additional expenses incurred by neighboring consenting landowners may be collected by the municipality from nonconsenting landowners as a service charge described in this subsection, following certification in writing by the consenting landowners to the municipal officers of the additional costs. The municipal officers shall make suitable provisions to reimburse the consenting landowners from the amounts collected.

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

Effective May 16, 1997.

CHAPTER 216**H.P. 242 - L.D. 306****An Act to Guarantee That Real Estate Taxes Are Paid**

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

Sec. 1. 36 MRSA §502, as amended by PL 1985, c. 568, is further amended to read:

§502. Property taxable; tax year

All real estate within the State, all personal property of residents of the State and all personal property within the State of persons not residents of the State is subject to taxation on the first day of each April as provided; and the status of all taxpayers and of such taxable property ~~shall~~ must be fixed as of that date. Upon receipt of a declaration of value under section 4641-D reflecting a change of ownership in real property, the assessor may change the records of the municipality to reflect the identity of the new owner, if notice of tax liabilities is sent both to the new owner and to the owner of record as of the April 1st when the liability accrued. The taxable year ~~shall be~~ is from April 1st to April 1st. Notwithstanding this section, proration of taxes ~~shall~~ must be over the period specified in section 558.

See title page for effective date.

CHAPTER 217

H.P. 1197 - L.D. 1697

An Act to Encourage Employee Stock Ownership

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

Sec. 1. 10 MRSA §1026-O is enacted to read:

§1026-O. Employee stock ownership program

1. Insurance. In addition to its other powers under this chapter, the authority may maintain an employee stock ownership program under which the authority may insure up to 90% of payments with respect to loans made to assist employees seeking to purchase an interest in the business by which they are employed.

2. Reservation of insurance. The authority shall reserve \$1,000,000 of the amounts available pursuant to section 1032 for the insurance of loans to employees seeking to purchase an interest in the business by which they are employed.

Sec. 2. 10 MRSA §1032, sub-§6, as repealed and replaced by PL 1993, c. 680, Pt. A, §19, is amended to read:

6. Obligations outstanding. The authority may not have at any one time outstanding obligations to which this section is stated in any agreement of the authority to apply in principal amount exceeding \$150,000,000, less the amount of revenue obligation securities to which section 1053 is stated in the trust agreement or other document to apply. Amounts of revenue obligation securities that are not taken into

account pursuant to section 1053, subsection 6, may not be taken into account for purposes of determining the amount that may be outstanding under this section. Of the \$150,000,000, \$1,000,000 must be reserved for loans insured pursuant to section 1026-O. Notwithstanding the foregoing, the authority may additionally have outstanding at any one time up to \$3,500,000 of obligations relating to direct loans to students pursuing higher education.

See title page for effective date.

CHAPTER 218

H.P. 778 - L.D. 1066

An Act to Amend the Prehearing Settlement Process

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

Sec. 1. 22 MRSA §42, sub-§6 is enacted to read:

6. Preadministrative hearing settlement process. The department may adopt rules to establish a preadministrative hearing settlement process. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 219

S.P. 101 - L.D. 380

An Act to Clarify Maine's All-terrain Vehicle Laws and to Improve Competition between Maine's All-terrain Vehicle Industry and its Out-of-state Competitors

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

Sec. 1. 12 MRSA §7857, sub-§16, ¶D, as enacted by PL 1995, c. 455, §42, is repealed.

Sec. 2. 12 MRSA §7857, sub-§24, ¶G, as enacted by PL 1993, c. 438, §41, is amended to read:

G. Notwithstanding the provisions of subsection 16, a person may operate an ATV without a headlight; and taillight and brake light between the hours of sunrise and sunset, provided: