

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

Participating Local District and Other	1,271,445
TOTAL	\$7,453,214

Sec. 3. Transfers of allocations; year-end balances. Transfers of allocations and carry forwards of unexpended balances must be carried out in accordance with the Maine Revised Statutes, Title 5, section 17103, subsection 13.

Sec. 4. Collective bargaining agreements approval. As required by the Maine Revised Statutes, Title 5, section 17103, subsection 14, collective bargaining agreements covering fiscal year 1997-98 to fiscal year 1999-2000 between the Maine State Retirement System and the Maine State Employees Association for the retirement system's administrative services, professional-technical and supervisory bargaining units are approved. The allocations made in section 1 of this Act and the attributions made in section 2 of this Act include the amounts required to fund the collective bargaining agreements in fiscal year 1997-98. The amounts required to fund the collective bargaining agreements in fiscal year 1998-99 must be included in the retirement system's administrative operating budget for that fiscal year and be approved by the Legislature. Amounts required to fund the collective bargaining agreements in fiscal year 1999-2000 are subject to a specific appropriation request to be submitted to the 119th Legislature for review and approval.

Sec. 5. Authorization to expend retirement system reserve administrative operating funds.

1. Fiscal year 1997-98 reserve funds. Of the amount authorized to be expended in section 1 of this Act, \$500,000 for the administrative costs of the retirement system associated with the teachers' retirement program must be provided from the system's reserve administrative operating funds and \$131,251 to fund the system's collective bargaining agreements in fiscal year 1997-98 must be provided from the system's reserve administrative operating funds.

2. Administrative records automation project. In addition to the amount authorized to be expended in section 1 of this Act, the retirement system is authorized to expend from its reserve administrative operating funds up to \$1,200,000 for the purpose of establishing and operating a project, staffed on a temporary basis, for the primary purposes of becoming better prepared to meet potential administrative impacts that may result from decisions of the federal courts in Parker v. Wakelin and Dzialo v. Perrier and of improving and expediting the retirement system's

long-term program to automate its data receipt, retention, retrieval and processing operations.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1997.

Effective July 1, 1997.

CHAPTER 13

S.P. 158 - L.D. 487

An Act Concerning the Charter of the Northern Maine Development Commission, Inc.

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

Whereas, delay in the repeal of the charter of the Northern Maine Development Commission, Inc. would interfere with administration of the Northern Maine Development Commission, Inc.; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Northern Maine Development Commission, Inc.; 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. P&SL 1989, c. 89, as amended by P&SL 1993, c. 23, §§1 to 12, is repealed.

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

Effective April 25, 1997.

CHAPTER 14

H.P. 384 - L.D. 529

An Act to Conform the Lien Procedures Within the Charter of Boothbay Harbor Sewer District to Statutory Lien Procedures

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

Sec. 1. P&SL 1961, c. 161, §25, 2nd and 3rd ¶¶, are repealed and the following enacted in their place:

When a rate, toll, rent or other charge has been committed to the treasurer of the Boothbay Sewer District for collection, the treasurer may, after the expiration of 3 months and within one year after the date when the charge became due and payable, give to the owner of the real estate served, or leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a written notice signed by the treasurer or bearing the treasurer's facsimile signature stating the amount of that rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and stating that a lien is claimed to secure payment of the charge and demanding payment within 30 days after service or mailing of the notice plus \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested fee. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of the 30-day period and within one year, the treasurer shall record in the Lincoln County Registry of Deeds a certificate signed by the treasurer setting forth the amount of the rate, toll, rent or other charge, and a description of the real estate on which the lien is claimed, stating that a lien is claimed to secure payment of the charge and that notice and demand for payment of the charge has been given or made in accordance with the provisions of this section, and that the charge remains unpaid. At the time of the recording of a certificate in the Registry of Deeds, the treasurer shall file in the office of the district a true copy of the certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to the record holder at the record holder's last and usual place of abode.

The filing of the certificate in the Registry of Deeds is deemed to create, and creates, a mortgage on the real estate described in the deed for the district that has priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee does not have a right to possession of the real estate until the right of redemption provided for has expired. If the mortgage, together with interest and costs, is not paid within 18 months after the date of filing of the certificate in the Registry of Deeds, the mortgage is deemed foreclosed and the right of redemption expired. The filing of the

certificate in the Registry of Deeds is sufficient notice of the existence of the mortgage. In the event that the rate, toll, rent or other charge, with interest and costs, is paid within the period of redemption, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

The cost to be paid by the owner of the real estate served is the sum of the fees for receiving, recording and indexing the lien, or its discharge, as established by the Maine Revised Statutes, Title 33, section 751, plus \$13 and all certified mail, return receipt requested fees.

The district shall pay the treasurer \$1 for filing the lien certificate and the amount paid for certified mail, return receipt requested fees. The fees for recording the lien certificate must be paid by the district to the Register of Deeds.

A discharge of the certificate given after the right of redemption has expired and that has been recorded in the Registry of Deeds for more than one year terminates all title of the sewer district derived from that certificate or any other recorded certificate for which the right of redemption expired 10 years or more prior to the foreclosure date of this discharge lien, unless the sewer district has conveyed any interest based upon the title acquired from any of the affected liens.

See title page for effective date.

CHAPTER 15

H.P. 533 - L.D. 724

An Act to Amend the Charter of the Portland Water District

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

Whereas, the Portland Water District is a public municipal corporation organized and existing under the laws of the State; and

Whereas, the Portland Water District, at the request of the municipal clerks of a number of the municipalities constituting the district, desires to change the trustee election dates to coincide with the regular municipal elections held in such communities; and

Whereas, as an accommodation to the municipalities, the Portland Water District desires to have these changes effective prior to June 1997 to preclude the necessity of special elections in the Town of Cape