

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

hours of social work employment in a period not less than 2 years but not more than 4 years.

See title page for effective date.

CHAPTER 317

H.P. 991 - L.D. 1328

**An Act to Amend the Laws
Governing Registers of Deeds**

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

Sec. 1. 33 MRSA §752, sub-§4, as enacted by PL 1997, c. 503, §1, is amended to read:

4. Repeal. This section is repealed January 1, ~~2002~~ 2005.

See title page for effective date.

CHAPTER 318

H.P. 333 - L.D. 423

**An Act to Facilitate Implementation
of Court Alcohol and Drug
Treatment Programs**

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

Whereas, the adult alcohol and drug treatment program, as established pursuant to the Maine Revised Statutes, Title 4, chapter 8, began accepting referrals for persons facing probation revocations on April 2, 2001, and is expected to be in full operation by July 1, 2001; and

Whereas, statutory changes to the Maine Bail Code are necessary to ensure the efficient and effective imposition of sanctions to drug court participants by the court; and

Whereas, adult drug treatment courts have proven to be effective at keeping drug-addicted offenders off drugs and at greatly reducing other crimes associated with drug abuse; and

Whereas, the State is facing significant criminal and health problems due to drug addiction; and

Whereas, the change to the Maine Bail Code needs to be effective prior to the adult and alcohol drug treatment program's commencing full operations on or about July 1, 2001; 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. 15 MRSA §1105 is enacted to read:

§1105. Alcohol and drug treatment program

As a condition of post-conviction release, the court may impose the condition of participation in an alcohol and drug treatment program for a period not to exceed 24 months pursuant to Title 4, chapter 8. If at any time the court finds probable cause that a defendant released with a condition of participation in an alcohol and drug treatment program has intentionally or knowingly violated any requirement of the defendant's participation in the alcohol or drug treatment program, the court may suspend the order of bail for a period of up to 7 days for any such violation. The defendant must be given an opportunity to personally address the court prior to the suspension of an order of bail under this section. A period of suspension of bail is a period of detention under Title 17-A, section 1253, subsection 2. This section does not restrict the ability of the court to take actions other than suspension of the order of bail for the violation of a condition of participation in an alcohol and drug treatment program or the ability of the court to entertain a motion to revoke bail under section 1098 and enter any dispositional order allowed under section 1099-A. If the court orders participation in a drug and alcohol treatment program under this section, upon sentencing the court shall consider whether there has been compliance with the program.

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

Effective May 30, 2001.

CHAPTER 319

H.P. 381 - L.D. 483

**An Act to Revise the Sewer Lien
Laws**

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX,

Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 38 MRSA §1208, 2nd ¶, as amended by PL 1987, c. 548, is further amended to read:

The treasurer of the district ~~shall have~~ has full and complete authority and power to collect the rates, tolls, rents and other charges established under section 1202 and the same ~~shall must~~ be committed to ~~him~~ the treasurer. The treasurer may, after demand for payment, sue in the name of the district in a civil action for any rate, toll, rent or other charge remaining unpaid in any court of competent jurisdiction. In addition to other methods established by law for the collection of rates, tolls, rents and other charges, and without waiver of the right to sue for the same, the lien ~~hereby~~ created may be enforced in the following manner. The treasurer, when a rate, toll, rent or other charge has been committed to ~~him~~ the treasurer for collection, may, after the expiration of 3 months and within one year after the date when the same became due and payable, give to the owner of the real estate served, or leave at ~~his~~ the owner's last and usual place of abode, or send by certified mail, return receipt requested, to ~~his~~ the owner's last known address, a notice in writing signed by the treasurer or bearing ~~his~~ 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 on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of the rate, toll, rent or other charge within 30 days after service or mailing, with \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested, fee. The notice ~~shall 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 a period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which the property of such person is located a certificate signed by the treasurer setting forth the amount of such rate, toll, rent or other charge, describing the real estate on which the lien is claimed, and stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent or other charge and that a notice and demand for payment of the same has been given or made in accordance with this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as provided, the treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy ~~thereof~~ of the certificate by certified

mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to such record holder at ~~his~~ the record holder's last and usual place of abode.

Sec. 2. 38 MRSA §1208, as amended by PL 1995, c. 21, §1 and affected by §2, is further amended by adding after the 4th paragraph a new paragraph to read:

The treasurer of the district shall notify the party named on the sewer lien mortgage and each record holder of a mortgage on the real estate not more than 45 days or less than 30 days before the foreclosing date of the sewer lien mortgage, in a writing signed by the treasurer or bearing the treasurer's facsimile signature and left at the holder's last and usual place of abode or sent by certified mail, return receipt requested, to the holder's last known address, of the impending automatic foreclosure and indicating the exact date of foreclosure. For sending this notice, the district is entitled to receive \$3 plus all certified mail, return receipt requested, fees. These costs must be added to and become a part of the amount due. If notice is not given in the time period specified in this paragraph to the party named on the sewer lien mortgage or to any record holder of a mortgage, the person not receiving timely notice may redeem the sewer lien mortgage until 30 days after the treasurer does provide notice in the manner specified in this paragraph. Beginning with liens created after October 30, 2001, the notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE
SANITARY DISTRICT
NOTICE OF IMPENDING AUTOMATIC
FORECLOSURE SEWER LIEN
Title 38, M.R.S.A., section 1208

IMPORTANT: DO NOT DISREGARD THIS
NOTICE YOU WILL LOSE YOUR PROPERTY
UNLESS YOU PAY THE CHARGES, COSTS
AND INTEREST FOR WHICH A LIEN ON
YOUR PROPERTY HAS BEEN CREATED BY
THE SANITARY DISTRICT.

TO: _____

You are the party named on the Sewer Lien Certificate filed on _____, 20 _____ and recorded in Book _____, Page _____ in the _____ County Registry of Deeds. This _____ Sanitary District filing created a sewer lien mortgage on the real estate described in the Sewer Lien Certificate.

On _____, 20 _____, the sewer lien mortgage will be foreclosed and your right to redeem the mortgage and recover your property by paying the district's charges and interest that are owed will expire.

**IF THE LIEN FORECLOSES,
THE SANITARY DISTRICT WILL OWN
YOUR PROPERTY, SUBJECT ONLY TO
MUNICIPAL TAX LIENS.**

If you can not pay the outstanding charges, costs and interest that are the subject of this notice or the subject of installment payment arrangements that you have made with the district, please contact me immediately to discuss this notice.

District Treasurer

See title page for effective date.

CHAPTER 320

H.P. 1078 - L.D. 1447

An Act to Protect Off-track Betting Facilities

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

Sec. 1. 8 MRSA §271, sub-§8, as reallocated by RR 1997, c. 1, §6, is amended to read:

8. Term of license and race date assignment. Notwithstanding any provision of this chapter to the contrary, each license to conduct live racing or to engage in simulcast wagering, including by operating an off-track betting facility as defined in section 275-A and all awards of race dates issued or made by the commission, beginning with licenses issued and race dates awarded for 1998, may be for a 2-year period; ~~except, that if a commercial track does not use during the first year of any such 2-year license a race date that it was entitled to receive for both years pursuant to section 275-N, then the commission may hold a hearing prior to the 2nd year or the term of that racing license to determine whether the award of that race date for the second year of the term should be revoked.~~

Sec. 2. 8 MRSA §275-N, as amended by PL 1999, c. 568, §1, is further amended to read:

§275-N. Limitations on off-track betting facilities

The commission may not allow interstate simulcasting or license any off-track betting facility for any calendar year unless during the preceding 2 calendar ~~year~~ years there were at least 150 race dates on which live racing actually was conducted at the commercial tracks. Interstate simulcasting always must be allowed at any commercial track that conducted at least 136 race dates during the immediately preceding 2 calendar ~~year~~ years or at an existing commercial track

as defined in section 275-A, subsection 1, paragraph B at which at least 35 race dates were conducted during the ~~immediately~~ preceding year 2 years if the interstate simulcasting at the commercial track is conducted during the regular meeting. For the purposes of this section, any race date that the commission determines was canceled due to a natural or other disaster must be counted as a race date.

See title page for effective date.

CHAPTER 321

H.P. 1234 - L.D. 1681

An Act Relating to Personal Privacy and Governmental Information Practices

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

PART A

Sec. A-1. 3 MRSA §956, sub-§2, ¶K, as amended by PL 1999, c. 661, §1, is further amended to read:

K. Any other information specifically requested by the committee of jurisdiction; ~~and~~

Sec. A-2. 3 MRSA §956, sub-§2, ¶L, as enacted by PL 1999, c. 661, §2, is amended to read:

L. A comparison of any related federal laws and regulations to the state laws governing the agency or program and the rules implemented by the agency or program; ~~and~~

Sec. A-3. 3 MRSA §956, sub-§2, ¶M is enacted to read:

M. Agency policies for collecting, managing and using personal information over the Internet and nonelectronically, information on the agency's implementation of information technologies and an evaluation of the agency's adherence to the fair information practice principles of notice, choice, access, integrity and enforcement.