

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

mentation held by the lienholder and the certificate of title or certificate of salvage numbers.

See title page for effective date.

CHAPTER 241

H.P. 324 - L.D. 416

An Act To Amend the County Contingent Fund

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

Sec. 1. 30-A MRSA §922, sub-§2, as amended by PL 1993, c. 343, §1, is further amended to read:

2. Contingent fund. There is established a contingent account in each county in an amount not to exceed ~~\$50,000 annually~~ the greater of 1.5% of the annual county budget or \$100,000, except in Sagadahoc County, where the contingent account may not exceed 4% of the annual budget. ~~Notwithstanding the preceding sentence, a county, by unanimous action of the county commissioners, may increase the contingent account limit to an amount not exceeding \$100,000.~~ Any funds that are available to each county may be used for this purpose. ~~This~~ The contingent fund may be used at the discretion of the county commissioners for emergency purposes only, except that if a county increases the contingent account limit, expenditures from the account above \$50,000 must be approved by a majority of the county budget or finance committee if the county's budget is not finally approved by the Legislature. At the end of each fiscal year there must be transferred from unencumbered county funds an amount sufficient to restore the established county contingent account.

See title page for effective date.

CHAPTER 242

H.P. 343 - L.D. 451

An Act To Clarify Tax Appeal Procedures

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

Sec. 1. 36 MRSA §151, 3rd ¶, as amended by PL 2001, c. 583, §1, is further amended to read:

The assessor's decision on reconsideration must be mailed to the taxpayer or the taxpayer's designated representative by certified or registered mail and the

decision must set forth briefly the assessor's findings of fact and the basis of decision in each case decided in whole or in part adversely to the taxpayer. The assessor's decision on reconsideration constitutes final agency action that is subject to review by the Superior Court in accordance with the Maine Administrative Procedure Act, except that Title 5, sections 11006 and 11007 do not apply. The Superior Court shall conduct a de novo hearing and make a de novo determination of the merits of the case. Either the taxpayer or the assessor may raise on appeal in Superior Court any facts, arguments or issues that relate to the assessor's decision on reconsideration, regardless of whether the facts, arguments or issues were raised during the reconsideration proceeding being appealed, provided that the facts, arguments or issues are not barred by any other provision of law. ~~¶~~ The court shall make its own determination as to all questions of fact or law, regardless of whether the questions of fact or law were raised during the reconsideration proceeding. The Superior Court shall enter such orders and decrees as the case may require. The burden of proof is on the taxpayer.

See title page for effective date.

CHAPTER 243

H.P. 1103 - L.D. 1510

An Act To Improve Access to the Victims' Compensation Fund

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

Sec. 1. 5 MRSA §3360, sub-§3, as amended by PL 1997, c. 378, §§1 to 3, is further amended to read:

- 3. Crime.** "Crime" means one of the following:
- A. Offenses against the person as described in Title 17-A, chapter 9;
 - B. Sexual assaults as described in Title 17-A, chapter 11;
 - C. Kidnapping and criminal restraint as described in Title 17-A, chapter 13;
 - D. Robbery as described in Title 17-A, chapter 27;
 - E. Operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, as described in Title 29-A, section 2411; ~~or~~