

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
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FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 296

H.P. 729 - L.D. 1008

**An Act To Clarify When Notice is
Effective to Terminate a Tenancy at
Will**

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

Sec. 1. 14 MRSA §6002, first ¶, as amended by PL 1995, c. 208, §1, is further amended to read:

Tenancies at will must be terminated by either party by a minimum of 30 days' notice, except as provided in subsection 1, in writing for that purpose given to the other party, but if the landlord or the landlord's agent has made at least 3 good faith efforts to serve the tenant, that service may be accomplished by both mailing the notice by first class mail to the tenant's last known address and by leaving the notice at the tenant's last and usual place of abode. In cases when the tenant, ~~if liable to pay rent, is not in arrears at the expiration of the notice, the 30 days' notice must be made to expire upon the date rent is due~~ has paid rent through the date when a 30-day notice would expire, the notice must expire on or after the date through which the rent has been paid. Either party may waive in writing the 30 days' notice at the time the notice is given, and at no other time prior to the giving of the notice. A termination based on a 30-day notice is not affected by the receipt of money, whether previously owed or for current use and occupation, until the date a writ of possession is issued against the tenant during the period of actual occupancy after receipt of the notice. When the tenancy is terminated, the tenant is liable to the process of forcible entry and detainer without further notice and without proof of any relation of landlord and tenant unless the tenant has paid, after service of the notice, rent that accrued after the termination of the tenancy. These provisions apply to tenancies of buildings erected on land of another party. Termination of the tenancy is deemed to occur at the expiration of the time fixed in the notice.

See title page for effective date.

CHAPTER 297

S.P. 421 - L.D. 1290

**An Act To Provide Requirements for
Towns To Deorganize**

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

Sec. 1. 30-A MRSA §7202, first ¶, as enacted by PL 1989, c. 216, §2, is amended to read:

The voters of any municipality may petition for consideration of deorganization of the municipality by following the petition procedure of section 2528, subsection 5. On the written petition of a number of voters equal to at least ~~10%~~ 50% of the number of votes cast in the municipality at the last gubernatorial election, but in no case less than 10, requesting a municipal meeting for the purpose of discussing and determining whether the municipality should deorganize, the municipal officers shall call and hold a special meeting in the manner provided for the calling and holding of town meetings or city elections to discuss deorganization of the municipality and to decide whether to develop a deorganization procedure.

Sec. 2. 30-A MRSA §7205, sub-§3, as enacted by PL 1989, c. 216, §2, is amended to read:

3. Distribution of financial liabilities and assets. The deorganization procedure ~~shall~~ must provide for the distribution of all financial and other intangible liabilities and assets of the municipality, including liabilities and assets held by the municipality in any other political subdivision that are affected by the deorganization. These assets and liabilities include, but are not limited to, outstanding bonds, notes and any other contractual obligations that extend beyond the proposed date of deorganization. The service of all bonded indebtedness or other debt backed by a pledge of the full faith and credit duly authorized by the legal voters of the deorganizing municipality prior to deorganization remains the responsibility of the residents of the municipality and may not be transferred in whole or in part to the residents of a geographic area outside the boundaries of the deorganizing municipality unless that debt is properly reissued.

A. The commission is responsible for determining these assets and liabilities and incorporating these provisions in the deorganization procedure.

B. Distribution of these assets and liabilities ~~shall~~ must be in accordance with chapter 303.

Sec. 3. 30-A MRSA §7205, sub-§7 is enacted to read:

7. Fiscal impact assessment. The municipality seeking to deorganize shall prepare a report that identifies and analyzes the service and tax burden effects on the deorganizing municipality, surrounding municipalities and the unorganized territory that is associated with the deorganization. The report must include:

A. The principal reason or reasons the inhabitants of the municipality are considering deorganization;

B. An assessment of the government services being provided to the residents of the deorganizing municipality, including education, water and sewer service, fire protection, police protection, street improvements and maintenance, administrative services and recreational facilities and the effect deorganization will have on the provision of those services to the residents of the deorganizing municipality;

C. An inventory of the municipally owned assets and a complete accounting of the municipality's debt and the financial plan for retiring that debt;

D. The fiscal and service delivery effects of deorganization on surrounding municipalities, special districts, the county and the communities within the county, including the unorganized territory; and

E. Any alternatives to deorganization that have been considered to address the cause of the deorganization effort.

Sec. 4. 30-A MRSA §7207, first ¶, as enacted by PL 1989, c. 216, §2, is amended to read:

The local committee may incorporate the comments and suggestions received from the commission into the deorganization procedure. The local committee shall immediately notify the municipal officers and the county commissioners of the county where the municipality considering deorganization is located when the deorganization procedure has been completed.

Sec. 5. 30-A MRSA §7207, sub-§2-A is enacted to read:

2-A. Advisory referendum in unorganized territory. After receiving notice from the local committee that the deorganization procedure is complete, the county commissioners may hold an advisory referendum on the deorganization in the unorganized territory in the county according to the procedures provided in this subsection. The county commissioners may not hold an advisory referendum until a system for identifying voters in the unorganized territory is established. Any advisory referendum must be held within 60 days of the receipt of notice from the municipality that the deorganization process is complete.

The method of voting must be by secret ballot in the manner prescribed for state elections. The county commissioners shall notify the residents of the unorganized territory of the date on which the

referendum will be held. The county clerk shall prepare the ballots on which the following question must appear:

"Do you support the deorganization of (name of municipality)?"

The legal voters of the unorganized territory shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the words "Yes" or "No." The ballots must be received, sorted and counted by the county clerk, and the county commissioners shall declare the results of the vote. The county clerk shall file a certificate of the advisory referendum results with the Secretary of State within 10 days of the advisory referendum. The clerk shall forward the results of the advisory referendum to the commission and to the executive director, who shall forward the results of the vote to the joint standing committee of the Legislature having jurisdiction over local government matters.

Sec. 6. 30-A MRSA §7209, sub-§4 is enacted to read:

4. Limitation. If the voters of a municipality reject deorganization in an advisory referendum held pursuant to this section, the municipality may not submit a deorganization plan to the Legislature for a period of 3 years from the date of that advisory referendum.

See title page for effective date.

CHAPTER 298

S.P. 322 - L.D. 981

An Act To Ensure Segregation of Spoiled, Defective and Void Ballots

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

Sec. 1. 21-A MRSA §693, as amended by PL 1997, c. 436, §99, is further amended to read:

§693. Spoiled ballots

If a voter spoils ~~the~~ a ballot, the voter may obtain a replacement, not more than twice, by returning the spoiled ballot to the election clerk in charge of issuing ballots. The warden ~~or~~ ward clerk ~~or~~ deputy warden shall write "Spoiled by voter" on the spoiled ballot, and sign it and place it in an envelope marked ~~"Spoiled ballots."~~ If a replacement ballot is issued to the voter, the warden ~~or~~ ward clerk ~~must~~ or deputy warden shall also mark "Replacement ballot issued" on the spoiled ballot. The election official shall then