

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

appropriate for consideration, it shall return the matter to the compensation panel and order that the compensation panel reconsider the claim in light of the new information.

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

Effective May 30, 2003.

CHAPTER 353

H.P. 775 - L.D. 1057

An Act To Allow a Worker at a Beano Game To Play the Cards of a Player Who Takes a Restroom Break

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

Sec. 1. 17 MRSA §329 is enacted to read:

§329. Assistance for player

A person conducting or assisting in the conduct of beano may assist a player by playing that player's cards while the player takes a restroom break. This section does not apply to the conduct of high-stakes beano.

See title page for effective date.

CHAPTER 354

S.P. 181 - L.D. 541

An Act To Ensure Timely Responses to Requests for School Administrative District Reapportionments

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, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to

take advantage of its provisions, which require the Commissioner of Education to make more timely determinations regarding the reapportionment of school administrative districts; 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. 20-A MRSA §1255, sub-§§1 and 3, as amended by PL 1987, c. 395, Pt. A, §54, are further amended to read:

1. Duties of commissioner. The commissioner shall determine if a district is apportioned in accordance with the principles of one ~~man~~ person, one vote, if:

A. ~~He~~ The commissioner receives a request by the board of directors;

B. ~~He~~ The commissioner receives a petition signed by district voters equal to at least 10% of the voters who voted in the last gubernatorial election in the district; or

C. ~~He~~ The commissioner determines a district is not apportioned according to the principles of one ~~man~~ person, one vote.

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.

3. Findings and order. If the commissioner finds the district's representation is not apportioned in accordance with the principle of one ~~man~~ person, one vote, ~~he~~ the commissioner shall, within 7 days of that decision, notify the superintendent of the finding and shall order the superintendent to notify the municipal officers in each municipality in the district and the school board to create a reapportionment committee. The superintendent's notification shall must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which shall must be held not later than 20 days after the notification.

Sec. 2. 20-A MRSA §1255, sub-§6, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

6. Duties of commissioner. The commissioner shall provide the ~~committee~~ superintendent with the

most recent Federal Decennial Census or Federal Estimated Census figures for each municipality in the district and at least one recommended apportionment plan.

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

Effective May 30, 2003.

CHAPTER 355

H.P. 965 - L.D. 1311

An Act To Clarify the Filing of Municipal Personal Property Tax Liens

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

Sec. 1. 36 MRSA §612, sub-§1, as amended by PL 1999, c. 699, Pt. D, §28 and affected by §30, is further amended to read:

1. Lien. ~~There must be a lien to secure the payment of all taxes legally assessed on~~ The legal assessment of taxes upon personal property as defined in section 601 and against a particular taxpayer creates and constitutes a lien upon all of the property assessed to secure payment of the resulting taxes, provided in that the inventory and valuation upon which the assessment is made, there must be contains a description of the personal property taxed which that meets the requirements of Title 11, section 9-1504. Except as otherwise provided in this section, the lien, when perfected, takes precedence over all other claims on the personal property and continues in force until the taxes are paid or until the lien is otherwise terminated by law.

Sec. 2. 36 MRSA §612, sub-§§3 and 4, as amended by PL 1999, c. 699, Pt. D, §28 and affected by §30, are repealed and the following enacted in their place:

3. Perfection of lien. The lien established by subsection 1 attaches on the date of assessment and must be perfected as against all lien creditors, as defined in Title 11, section 9-1102, subsection (52), without the necessity of further action by the municipality or any other party. The lien becomes perfected as against parties other than lien creditors at the time when a notice of the lien is communicated, pursuant to the provisions of Title 11, section 9-1516, to the office identified in Title 11, section 9-1501, subsection (1), paragraph (b). Any filing is ineffective to perfect a lien as against parties that are not lien creditors to the extent that the filing covers taxes upon property whose

status for those taxes was fixed pursuant to section 502 or 611 more than 2 years prior to the filing date. The lien does not have priority against any interest as to which it is unperfected during the period in which it is not so perfected. If the lien is perfected as to some interests in the property subject to the tax, but not as to other interests, and the interests as to which it is perfected are superior in priority to the interests against which the lien is unperfected, then the lien has priority over the interests against which it has not been perfected to the extent of the superior interests against which it has been perfected.

4. Notice of lien. Each notice of lien, which may be in the form of a financing statement, must:

A. Name the owner of the property upon which the lien is claimed, if the owner is not the taxpayer and is known to the municipality;

B. Provide the residence or business address of the owner, if known to the municipality;

C. Provide the taxpayer's name and the taxpayer's residence or business address, if known to the municipality, and if not otherwise known, the address where the property that is being taxed was located on the date the status of such taxable property was fixed pursuant to section 502 or 611;

D. Describe the property claimed to be subject to the lien in a manner that meets the requirements of Title 11, section 9-1504;

E. State the amount of tax, accrued interest and costs, as of the date on which the municipality sends the notice for filing, claimed due the municipality and secured by the lien;

F. State the tax year or years for which the lien is claimed;

G. Name the municipality claiming the lien;

H. Set forth the phrase "NOTICE OF PERSONAL PROPERTY TAX LIEN" in that part of the financing statement otherwise used to describe the collateral;

I. Indicate that the notice is filed as a non-UCC filing; and

J. Indicate that the taxpayer or owner, if an organization, has no organizational identification number, regardless of whether such a number may exist for that entity.

The notice of lien need not contain the information required by Title 11, section 9-1516, subsection (2), paragraph (e), subparagraph (iii) and must be accepted for filing without that information notwithstanding the