

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

vessel holding a federal limited access lobster permit must comply with the most restrictive minimum lobster size for all federal lobster management areas declared on the federal permit, as contained in the Atlantic States Marine Fisheries Commission Interstate Fishery Management Plan for American Lobster, wherever the fishing activity occurs.

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

Effective March 18, 2005.

CHAPTER 7

H.P. 183 - L.D. 244

An Act To Standardize Water Lien Provisions

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

Sec. 1. 35-A MRSA §6111, as corrected by RR 1991, c. 1, §49, is repealed.

Sec. 2. 35-A MRSA §6111-A is enacted to read:

§6111-A. Liens for unpaid rates; multiunit residential rental property

1. Liens for unpaid rates; consumer-owned water utilities. A consumer-owned water utility has a lien on real estate served by that consumer-owned water utility to secure the payment of unpaid rates.

2. Rental property; water utilities. Notwithstanding section 706, when a landlord has applied for and is granted water utility service to a multiunit residential rental property, the water utility has a lien on the property and on any interest the landlord has in the multiunit residential rental property to secure payment for the water utility's service to that property with costs and with interest at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

3. Method and procedure. The method for obtaining, enforcing and receiving payment on a lien created under this section must be performed in the same manner and has the same effect and creates the same rights as provided in Title 38, section 1208 pertaining to the collection of unpaid rates by a sanitary district, except that a sanitary district lien created under Title 38, section 1208 continues with priority over a lien created under this section. The notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE
(insert name of water utility)
NOTICE OF IMPENDING AUTOMATIC
FORECLOSURE WATER LIEN
Title 35-A M.R.S.A., section 6111-A

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
(insert name of water utility)

TO:

You are the party named on the Water Lien Certificate filed on, 20.. and recorded in Book, Page ... in the County Registry of Deeds. This (insert name of water utility) filing created a lien mortgage on the real estate described in the Water Lien Certificate.

On, 20..., the water lien mortgage will be foreclosed and your right to redeem the mortgage and recover your property by paying the charges and interest of the (insert name of water utility) that are owed will expire.

IF THE LIEN FORECLOSES,
THE (insert name of water utility) WILL OWN
YOUR PROPERTY, SUBJECT ONLY TO
SANITARY DISTRICT AND MUNICIPAL TAX
LIENS.

If you cannot 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 (insert name of water utility), please contact me immediately to discuss this notice.

.....
(insert name of water utility) Treasurer

Sec. 3. 35-A MRSA §6414-A, as enacted by PL 2003, c. 147, §4, is amended to read:

§6414-A. Water utilities; rate collection and liens

All persons, firms and corporations, whether public, private or municipal, shall pay to the treasurer of any water district the rates established pursuant to chapter 61 for the water service used with respect to their real estate.

~~There is a lien on real estate served by a water district to secure the payment of unpaid rates. The method for obtaining, enforcing and receiving payment on the lien must be in the same manner and has the same effect and creates the same rights as~~

provided in Title 38, section 1208, pertaining to the collection of unpaid rates by a sanitary district, except that the sanitary district lien created under Title 38, section 1208 continues with priority over the district's water utility lien created under this section and the notice of impending automatic foreclosure must be substantially in the following form:

STATE OF MAINE
 WATER DISTRICT
 NOTICE OF IMPENDING AUTOMATIC
 FORECLOSURE WATER LIEN
 Title 35-A M.R.S.A., section 6414-A

~~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
 WATER DISTRICT.~~

TO:

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

On, 20.., the water 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 WATER DISTRICT WILL OWN
 YOUR PROPERTY, SUBJECT ONLY TO
 SANITARY DISTRICT AND 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 8

S.P. 76 - L.D. 223

An Act To Create a Family Reunion Day in August

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

Sec. 1. 1 MRSA §148 is enacted to read:

§148. Family Reunion Day

In recognition of the value and importance of families, the State designates the Monday after the first full weekend of August as Family Reunion Day. The Governor shall annually issue a proclamation urging citizens, businesses and organizations to observe the day with appropriate celebration and activity.

See title page for effective date.

CHAPTER 9

S.P. 77 - L.D. 224

An Act To Amend the Law Governing Student Rates on Maine State Ferry Service Ferries

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

Sec. 1. 23 MRSA §4405, first ¶, as enacted by PL 1981, c. 456, Pt. A, §88, is amended to read:

The Department of Transportation shall grant to the towns of North Haven, Vinalhaven, Isleboro, Swan's Island and Frenchboro free use of the scheduled ferry service ~~during the period September 1st to June 15th each year~~ for:

See title page for effective date.

CHAPTER 10

S.P. 413 - L.D. 1196

An Act To Extend Civil Rights Protections to All People Regardless of Sexual Orientation

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

Sec. 1. 5 MRSA §4552, as amended by PL 1993, c. 327, §1, is further amended to read:

§4552. Policy

To protect the public health, safety and welfare, it is declared to be the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity, and the causes of these practices, so that corrective measures may,