

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 6, 2010 to April 12, 2010**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 12, 2010**

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

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**Augusta, Maine**  
**2010**

the program continue to be deferred under the conditions of the program on the date it was ended.

See title page for effective date.

## CHAPTER 490

### H.P. 1127 - L.D. 1589

#### **An Act To Authorize Sanitary Districts, Water Utilities and Sewer Districts To Waive an Automatic Lien Foreclosure**

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

**Sec. 1. 35-A MRSA §6111-A, sub-§4** is enacted to read:

**4. Waiver of water lien foreclosure.** The treasurer of a consumer-owned water utility, when authorized by the trustees of the utility, may waive the foreclosure of a lien mortgage created pursuant to this section by recording in the registry of deeds a waiver of foreclosure before the period for the right of redemption from the lien mortgage has expired. The lien mortgage remains in full effect after the recording of a waiver. Other methods established by law for the collection of any unpaid rate, toll, rent or other charges are not affected by the filing of a waiver under this section. The waiver of foreclosure must be substantially in the following form:

The foreclosure of the water lien mortgage on real estate for charges against ..... (NAME) to ..... (NAME OF WATER UTILITY) dated ..... and recorded in the ..... County Registry of Deeds in Book ..... Page ..... is hereby waived.

The form must be dated, signed by the treasurer of the water utility and notarized. A copy of the form must be provided to the party named on the lien mortgage and each record holder of a mortgage on the real estate.

**Sec. 2. 38 MRSA §1208-A** is enacted to read:

#### **§1208-A. Waiver of automatic foreclosure of lien mortgage**

##### **1. Waiver of sanitary district lien foreclosure.**

The treasurer of a district, when authorized by the trustees of the district, may waive the foreclosure of a sanitary district lien mortgage created under section 1208 by recording in the registry of deeds a waiver of foreclosure before the period for the right of redemption from the sanitary district lien mortgage has expired. The sanitary district lien mortgage remains in full effect after the recording of a waiver. Other methods established by law for the collection of any unpaid rate, toll, rent or other charges are not affected by the filing of a waiver under this section.

**2. Form.** The waiver of foreclosure under subsection 1 must be substantially in the following form:

#### **STATE OF MAINE .....SANITARY DISTRICT WAIVER OF AUTOMATIC FORECLOSURE OF SEWER LIEN**

Title 38, M.R.S.A., section 1208-A

The foreclosure of the sewer lien mortgage on real estate for charges against ..... (NAME) to ..... (NAME OF SANITARY DISTRICT) dated ..... and recorded in the ..... County Registry of Deeds in Book ..... Page ..... is hereby waived.

The form must be dated, signed by the treasurer of the district and notarized. A copy of the form must be provided to the party named on the sanitary district lien mortgage and each record holder of a mortgage on the real estate.

**Sec. 3. 38 MRSA §1257** is enacted to read:

#### **§1257. Waiver of sewer district lien foreclosure**

**1. Waiver.** The treasurer of a sewer district, when authorized by the trustees of the district, may waive the foreclosure of a district lien mortgage created pursuant to the district's charter by recording in the registry of deeds a waiver of foreclosure before the period for the right of redemption from the lien mortgage has expired. The lien mortgage remains in full effect after the recording of a waiver. Other methods established by law for the collection of any unpaid rate, toll, rent or other charges are not affected by the filing of a waiver under this section.

**2. Form.** The waiver of foreclosure under subsection 1 must be substantially in the following form:

The foreclosure of the sewer lien mortgage on real estate for charges against ..... (NAME) to ..... (NAME OF SEWER DISTRICT) dated ..... and recorded in the ..... County Registry of Deeds in Book ..... Page ..... is hereby waived.

The form must be dated, signed by the treasurer of the district and notarized. A copy of the form must be provided to the party named on the lien mortgage and each record holder of a mortgage on the real estate.

See title page for effective date.

## CHAPTER 491

### H.P. 1165 - L.D. 1637

#### **An Act To Change the Requirements for the Sales Tax Exemption for Snowmobile Trail Grooming Equipment**

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

**Sec. 1. 36 MRSA §1760, sub-§90**, as enacted by PL 2007, c. 429, §2 and affected by §3, is amended to read:

**90. Qualified snowmobile trail grooming equipment.** Sales to ~~incorporated nonprofit~~ snowmobile clubs incorporated under the provisions of Title 13-B of snowmobiles and snowmobile trail grooming equipment used directly and exclusively for the grooming of snowmobile trails.

See title page for effective date.

## CHAPTER 492

### S.P. 652 - L.D. 1680

#### An Act To Assist in Reviewing Wind Energy Applications

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

**Whereas**, creating consistency in the application and permitting process for wind energy developments before the Maine Land Use Regulation Commission and the Department of Environmental Protection will improve the application process; and

**Whereas**, in order to move quickly and fairly in processing wind energy development applications, the Maine Land Use Regulation Commission needs the authority to charge applicants fees for necessary consulting expertise, studies or materials; 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. 12 MRSA §685-B, sub-§2-C**, as enacted by PL 2007, c. 661, Pt. C, §2, is repealed and the following enacted in its place:

**2-C. Wind energy development; determination deadline.** The following provisions govern wind energy development.

A. The commission shall consider any wind energy development in the expedited permitting area under Title 35-A, chapter 34-A with a generating capacity of 100 kilowatts or greater a use requiring a permit, but not a special exception, within the affected districts or subdistricts. The commission may require an applicant to provide a timely notice of filing prior to filing an application for,

and may require the applicant to attend a public meeting during the review of, a wind energy development. The commission shall render its determination on an application for such a development within 185 days after the commission determines that the application is complete, except that the commission shall render such a decision within 270 days if it holds a hearing on the application. The chair of the Public Utilities Commission or the chair's designee shall serve as a non-voting member of the commission and may participate fully but is not required to attend hearings when the commission considers an application for an expedited wind energy development. The chair's participation on the commission pursuant to this subsection does not affect the ability of the Public Utilities Commission to submit information into the record of the commission's proceedings. For purposes of this subsection, "expedited permitting area," "expedited wind energy development" and "wind energy development" have the same meanings as in Title 35-A, section 3451.

B. At the request of an applicant, the commission may stop the processing time for a period of time agreeable to the commission and the applicant. The expedited review period specified in paragraph A does not apply to the associated facilities, as defined in Title 35-A, section 3451, subsection 1, of the wind energy development if the commission determines that an expedited review time is unreasonable due to the size, location, potential impacts, multiple agency jurisdiction or complexity of that portion of the development.

**Sec. 2. 12 MRSA §685-B, sub-§4, ¶C**, as amended by PL 2007, c. 661, Pt. C, §3, is further amended to read:

C. Adequate provision has been made for fitting the proposal harmoniously into the existing natural environment in order to assure ensure there will be no undue adverse effect on existing uses, scenic character and natural and historic resources in the area likely to be affected by the proposal. In making a determination under this paragraph regarding development to facilitate withdrawal of groundwater, the commission shall consider the effects of the proposed withdrawal on waters of the State, as defined by Title 38, section 361-A, subsection 7; water-related natural resources; and existing uses, including, but not limited to, public or private wells, within the anticipated zone of contribution to the withdrawal. In making findings under this paragraph, the commission shall consider both the direct effects of the proposed withdrawal and its effects in combination with existing water withdrawals.

In making a determination under this paragraph regarding an expedited wind energy development,