

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

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FIRST REGULAR SESSION
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IN ACCORDANCE WITH THE MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2011

leave at the owner's last and usual place of abode, or send by certified mail, return receipt requested, to the owner's last known address, a notice in writing signed by the treasurer or bearing the treasurer's facsimile signature, stating the amount of that rate, toll, rent or other charge, describing the real estate upon which the lien is claimed and stating that a lien is claimed on the real estate to secure the payment of the rate, toll, rent or other charge and demanding the payment of the rate, toll, rent or other charge within 30 days after service or mailing, with \$1 for the treasurer for mailing the notice together with the certified mail, return receipt requested, fee. The notice must contain a statement that the district is willing to arrange installment payments of the outstanding debt. For the purpose of this section, a mobile home is defined as real estate. After the expiration of a period of 30 days and within one year thereafter, the treasurer shall record in the registry of deeds of the county in which the property of such person is located a certificate signed by the treasurer or bearing the treasurer's facsimile signature setting forth the amount of such rate, toll, rent or other charge, describing the real estate on which the lien is claimed, and stating that a lien is claimed on the real estate to secure payment of the rate, toll, rent or other charge and that a notice and demand for payment of the same rate, toll, rent or other charge has been given or made in accordance with this section and stating further that such rate, toll, rent or other charge remains unpaid. At the time of the recording of any such certificate in the registry of deeds as provided, the treasurer shall file in the office of the district a true copy of such certificate and shall mail a true copy of the certificate by certified mail, return receipt requested, to each record holder of any mortgage on the real estate, addressed to such record holder at the record holder's last and usual place of abode.

Sec. 4. 38 MRSA §1208, 3rd ¶, as amended by PL 1979, c. 541, Pt. A, §276, is further amended to read:

The filing of the certificate in the registry of deeds ~~shall be deemed to create, and shall create, creates~~ a mortgage on the underlying real estate ~~therein described~~ to the district ~~which shall have that has~~ priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and ~~shall give~~ gives to the district all the rights usually possessed by mortgagees, except that the district as mortgagee ~~shall~~ does not have any right to possession of ~~said~~ the real estate until the right of redemption ~~provided for shall have~~ has expired. If the mortgage, together with interest and costs, ~~shall~~ has not ~~have~~ been paid within 18 months after the date of filing of ~~said~~ the certificate in the registry of deeds ~~as provided, the mortgage shall be is~~ deemed to have been ~~be~~ foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds ~~shall be is~~ sufficient notice of the existence of

the mortgage ~~provided for~~ created in this paragraph. In the event that said ~~If~~ the rate, toll, rent or other charge, with interest and costs, ~~shall be is~~ paid within the period of redemption ~~provided for~~, the treasurer of the district shall discharge the mortgage in the same manner as ~~provided for the discharge of real estate tax lien mortgages pursuant to Title 36, section 943.~~

See title page for effective date.

CHAPTER 105

H.P. 267 - L.D. 334

An Act To Promote Further Stability within the Workers' Compensation System by Extending the Number of Terms That May Be Served on the Maine Employers' Mutual Insurance Company Board of Directors

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

Whereas, this legislation extends the number of terms that may be served on the Maine Employers' Mutual Insurance Company from 3 terms to 4 terms; and

Whereas, immediate enactment of this legislation is necessary to authorize current board members whose terms are expiring to be appointed to additional terms; 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. 24-A MRSA §3703, sub-§6, as amended by PL 1999, c. 120, §1, is further amended to read:

6. Terms. A full term on the board of directors is 3 years. An individual may not serve more than ~~3~~ 4 consecutive full terms as a director, except for the president and chief executive officer. All members shall serve for the terms provided and until their successors are appointed or elected and qualified.

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

Effective May 19, 2011.

CHAPTER 106

H.P. 668 - L.D. 909

An Act To Provide Additional Flexibility for the Funding of Infrastructure Improvements by Consumer-owned Water Utilities

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

Sec. 1. 35-A MRSA §6104-A, sub-§§2, 3 and 5, as enacted by PL 2009, c. 237, §2, are amended to read:

2. Application of this section; qualification; supporting materials. Notwithstanding section 310 or section 6104, any consumer-owned water utility that meets the requirements of this subsection may elect to increase rates pursuant to this section. ~~To qualify for a rate increase under this section, a consumer-owned water utility must have negative net income in the 2 consecutive fiscal years immediately preceding the year in which the rate increase is proposed. The consumer-owned water utility must file with the commission supporting documentation demonstrating the 2 years of negative net income as provided in this subsection.~~

~~A. A consumer-owned water utility that is required to file balance sheets under section 504, shall file copies for the 3 most recent years of the balance sheet together with other annual financial information the commission may prescribe to be filed pursuant to section 504, subsection 2, including the operating statement or other statements showing annual operating income and expenses.~~

~~B. A consumer-owned water utility that is excused from filing balance sheets pursuant to section 504, subsection 3 shall file copies for the 3 most recent years of financial statements from financial audits or reviews of the utility or other information documenting the operating income and expenses of the utility considered acceptable by the commission.~~

The consumer-owned water utility shall file its proposed rate increase, in accordance with the limits established in subsection 3, along with a copy of the required documentation all materials required to be submitted under section 6104, subsection 4-A supporting the proposed rate increase with the commission and the Public Advocate at least 30 days prior to the

public meeting required under subsection 4. A copy of the required ~~documentation materials~~ supporting the proposed rate increase must be made available to customers for examination at the offices of the utility for at least 30 days prior to the public meeting. The utility shall promptly provide any readily available relevant additional material or information requested by a customer, the commission or the Public Advocate.

3. Maximum rate increase. The maximum rate increase that a consumer-owned water utility may propose under this section:

A. Is ~~2%~~ 3% of current rates if the utility is a large consumer-owned water utility. The cumulative total of rate increases under this paragraph may not exceed 10% over 5 years;

B. Is ~~3.5%~~ 5% of current rates if the utility is a medium consumer-owned water utility. The cumulative total of rate increases under this paragraph may not exceed 15% over 5 years; and

C. Is ~~5%~~ 7.5% of current rates if the utility is a small consumer-owned water utility. The cumulative total of rate increases under this paragraph may not exceed 20% over 5 years.

~~The cumulative total of rate increases under this section may not exceed 10% over 5 years.~~

5. Notice of proposed rate increase and public meeting. The consumer-owned water utility shall, at least 14 days prior to the public meeting required under subsection 4, publish a notice of the proposed rate increase and the meeting, including the date, time, place and purpose of the meeting, in a newspaper of general circulation in the area encompassed by the consumer-owned water utility and give one notice of the proposed rate change and the date, time, place and purpose of the meeting to each of its customers. The published and individual notices must include a statement describing the amount of the rate increase and the percentage change for each customer class, the customer's right to request information relating to the present and proposed rates and the availability of assistance from the Public Advocate. ~~The published and individual notices must inform customers of the 10-person complaint process under section 1302.~~ Copies of the notice must be sent to the commission and the Public Advocate at least 14 days prior to the meeting.

Sec. 2. Review and report. The Public Utilities Commission shall convene a work group that includes representatives of small consumer-owned water utilities and the Public Advocate to examine ways of ensuring that the capital requirements of these water utilities are provided for in an adequate and appropriate manner. The commission shall report the results of the examination and any recommendations for changes to laws to the Joint Standing Committee on Energy, Utilities and Technology by January 15, 2012. The Joint Standing Committee on Energy, Utilities and