

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 5, 2012 to July 10, 2013**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 9, 2013**

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

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**Augusta, Maine**  
**2013**

**SUBCHAPTER 4**  
**RIGHT OF ENTRY**

**§18231. Right of entry for professional land surveyor performing land surveying services**

When performing land surveying services at the request of a landowner or person with an interest in real estate, a professional land surveyor and the surveyor's assistant may, without the consent of the owner or person in possession, enter upon or cross any lands necessary to perform land surveying services.

**1. No authority to intentionally damage or move object.** Nothing in this section may be construed as giving authority or license to a professional land surveyor or the surveyor's assistant to intentionally destroy, injure, damage or move any object, chattel or item on the lands of another without the permission of the owner.

**2. Civil liability for actual damage.** This section may not be construed to remove civil liability for actual damage to land, chattel, crops or personal property.

**3. No authority to enter building used as residence or for storage.** This section may not be construed to give a professional land surveyor or the surveyor's assistant the authority to enter any building or structure used as a residence or for storage.

**4. Reasonable effort to notify landowners.** A professional land surveyor shall make reasonable effort to notify a landowner upon whose land it is necessary for the professional land surveyor to enter or cross. Notice provided as follows meets the requirement of this subsection:

A. Written notice delivered by hand to the landowner or to the residence of the landowner upon whose land the surveyor may enter or cross, delivered at least 24 hours prior to the surveyor's entering the land; or

B. Written notice mailed by first class mail to the landowner upon whose land the surveyor may enter or cross, postmarked at least 5 days prior to the surveyor's entering the land. The surveyor may rely on the address of the landowner as contained in the municipal property tax records or their equivalent.

**5. Owner or occupant of land; duty of care; liability.** The duty of care an owner or occupant of land owes to the professional land surveyor and the surveyor's assistant is the same as that owed a trespasser.

**6. Professional land surveyor and assistant identification.** A professional land surveyor and the surveyor's assistant shall carry means of proper identification as to their licensure or employment and shall display this identification to anyone requesting identification.

**7. Compliance with safety regulations.** A professional land surveyor and the surveyor's assistant shall comply with all federal and state safety rules and regulations that apply to the land that they enter or cross pursuant to this section.

**Sec. 6. Effective date.** This Act takes effect January 1, 2014.

Effective January 1, 2014.

**CHAPTER 181**  
**S.P. 382 - L.D. 1100**

**An Act To Update and Revise  
the Laws Governing the Maine  
Arts Commission**

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

**Sec. 1. 27 MRSA §405**, as amended by PL 1991, c. 622, Pt. V, §4, is further amended to read:

**§405. Hearings; contracts**

The ~~commission~~ Maine Arts Commission is authorized and empowered to hold public and private hearings, to enter into contracts, within the limit of funds available, with individuals or organizations, and institutions for services furthering the educational objectives of the commission's programs; to enter into contracts, within the limit of funds available, with local and regional associations for cooperative endeavors furthering the educational objectives of the commission's programs; to establish an endowment fund; to accept gifts, contributions and bequests of funds from individuals, foundations, corporations and other organizations or institutions for the purpose of furthering the ~~educational objectives of the commission's programs~~ mission; to make and sign any agreements and to do and perform any acts that are necessary to carry out the purposes of this chapter. Any funds, if given as an endowment, must be invested by the Treasurer of State according to the laws governing the investment of trust funds. As determined by the Director of the Maine Arts Commission, with the approval of the commission, the endowment's principal and interest may be used to further the commission's mission, as long as the endowment funds are used only for the purposes for which the endowment is established in accordance with the intent of the donor. The commission may request and receive from any department, division, board, bureau, commission or agency of the State such assistance and data as necessary to carry out its powers and duties.

**Sec. 2. 27 MRSA §408**, as amended by PL 1989, c. 700, Pt. B, §36, is repealed.

**Sec. 3. 27 MRSA §410**, as enacted by PL 1997, c. 532, §1, is repealed.

**Sec. 4. 27 MRSA §411**, as enacted by PL 1997, c. 762, §1, is amended to read:

**§411. Arts Education Program**

The Maine Arts Commission shall establish the Arts ~~in~~ Education Program, referred to in this subchapter as the "program," ~~to provide support for planning and implementing artist residencies and related school and community arts programs to increase arts education opportunities in the State. The program is designed on a 3 year rotating basis. The program allows a public school system to participate by developing a comprehensive arts education plan, activities to implement the plan and an evaluation of the plan. "the program."~~

**Sec. 5. 27 MRSA §412**, as enacted by PL 1997, c. 762, §1, is amended to read:

**§412. Duties of the Maine Arts Commission**

~~To accomplish the goals of the program, the~~ The Maine Arts Commission shall provide leadership in developing and sustaining an agenda for arts education throughout the State in partnership with federal, state and local entities. The commission shall lead efforts to make the arts a part of the core education for all students from kindergarten to grade 12 and to increase arts opportunities outside the school setting. The commission shall:

~~1. **Funding.** Provide funding to 1/3 of the schools in the State each year on a 3 year rotating basis;~~

~~2. **Professional artists.** Use professional artists in developing a process for achieving learning results;~~

~~3. **School systems.** Invite school systems, through their superintendents, to participate in the program;~~

~~4. **Goals.** Work with school systems to identify common education goals;~~

~~5. **Training; information; seed money.** Provide training, information and seed money to each local arts education committee composed of school personnel and residents of the school district to develop a 3 year plan to increase arts education opportunities; and~~

~~6. **Curriculum; projects.** Promote artist residencies, professional development for teachers, curriculum development and advocacy and information projects.~~

7. **Research.** Conduct research on arts education for elementary and secondary schools; and

**8. Programs.** Operate arts education and outreach programs to combine the presentation of art with arts education.

See title page for effective date.

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**CHAPTER 182**

**H.P. 491 - L.D. 719**

**An Act To Ensure Access to Information in the Property Tax Abatement Process**

**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.

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

**Sec. 1. 36 MRSA §842**, as amended by PL 2001, c. 396, §16, is further amended to read:

**§842. Notice of decision**

The assessors or municipal officers shall give to any person applying to them for an abatement of taxes notice in writing of their decision upon the application within 10 days after they take final action thereon. The notice of decision must include the reason or reasons supporting the decision to approve or deny the abatement request and state that the applicant has 60 days from the date the notice is received to appeal the decision. It must also identify the board or agency designated by law to hear the appeal. If the assessors or municipal officers, before whom an application in writing for the abatement of a tax is pending, fail to give written notice of their decision within 60 days from the date of filing of the application, the application is deemed to have been denied, and the applicant may appeal as provided in sections 843 and 844, unless the applicant has in writing consented to further delay. Denial in this manner is final action for the purposes of notification under this section but failure to send notice of decision does not affect the applicant's right of appeal. This section does not apply to applications for abatement made under section 841, subsection 2.

See title page for effective date.

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