

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.

Augusta, Maine
2013

and this legislation needs to take effect by October 1, 2013; 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. 29-A MRSA §2357, sub-§2, ¶E, as enacted by PL 2007, c. 652, §3, is amended to read:

E. On the tri-axle unit of a 4-axle single-unit vehicle registered as a farm truck under section 505 and hauling potatoes, 64,000 pounds. ~~This paragraph is repealed October 1, 2013.~~

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

Effective June 4, 2013.

CHAPTER 196

H.P. 486 - L.D. 714

An Act To Clarify the Laws Governing the Rule-making Authority of the Maine Forest Service

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

Sec. 1. 12 MRSA §8306, sub-§1, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is further amended to read:

1. Quarantines. ~~The Notwithstanding any other provision of law, the~~ director may establish by rule a quarantine to restrict or prohibit the transportation within, into or from the State or any portion of the State of any forest or shade tree or part of any forest or shade tree, including, but not limited to, logs, bark, branches, seeds or scion material, or alternate host materials capable of supporting a disease or insect infestation when the following conditions are met:

A. The director finds that there exists within the State or in any other state, country or province a plant disease caused by a plant pathogen not native to the State or an infestation of insects not native to the State that, in the opinion of the director, is likely to kill or seriously injure forest or shade trees in large numbers; and

B. A quarantine to protect against the plant disease or insect infestation has not been established by the Commissioner of Agriculture, Conserva-

tion and Forestry or the Secretary of Agriculture of the United States or is not in effect.

Sec. 2. 12 MRSA §8306, sub-§2, ¶B, as enacted by PL 2001, c. 547, §1 and amended by PL 2011, c. 657, Pt. W, §6, is repealed and the following enacted in its place:

B. A process for the seizure, inspection, destruction or other mitigation of any forest or shade tree or any material that:

(1) Exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine;

(2) Is in proximity to a tree or material that exists within the State and harbors a plant pathogen or insect that is the subject of a quarantine; or

(3) Is transported into the State in violation of a quarantine established by the director, the Commissioner of Agriculture, Conservation and Forestry or the Secretary of Agriculture of the United States.

Sec. 3. Report. By December 15, 2013, the Director of the Maine Forest Service within the Department of Agriculture, Conservation and Forestry shall report on the rules adopted pursuant to this Act to the Joint Standing Committee on Agriculture, Conservation and Forestry.

See title page for effective date.

CHAPTER 197

H.P. 584 - L.D. 833

An Act To Allow Municipalities To Place Liens for Failure To Pay Storm Water Assessments

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

Sec. 1. 30-A MRSA §3406, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6 and c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

§3406. Service charges for sewage or storm water disposal

The municipal officers may establish a schedule of service charges from time to time upon improved real estate connected with a municipal sewer or sewer system or storm water disposal system for the use of the system. These service charges ~~shall~~ must include reserve fund contributions. For purposes of this section, "storm water disposal system" means storm water and flood control devices, structures, conveyances,

facilities or systems, including natural streams and rivers and other water bodies used wholly or partly to convey or control storm water or floodwater.

1. Interest. The municipal officers may charge interest on delinquent accounts at a rate not to exceed the highest lawful rate set by the Treasurer of State for municipal taxes.

2. Lien. There ~~shall be~~ is a lien on real estate served or benefited by a municipal sewer or sewer system or storm water disposal system to secure the payment of service charges and interest on delinquent accounts established under this chapter. This lien takes precedence over all other claims on the real estate, excepting only claims for taxes.

3. Collection. The treasurer of the municipality may collect the service charges and interest on delinquent accounts in the same manner as granted by Title 38, section 1208, to treasurers of sanitary sewer districts with reference to rates established and due under Title 38, section 1202.

Sec. 2. 30-A MRSA §3406-A, as enacted by PL 2005, c. 306, §1, is amended to read:

§3406-A. Landlord access to tenant bill payment information

If a tenant is billed for municipal sewer or storm water disposal system service provided to property rented by the tenant and nonpayment for the service may result in a lien against the property, the municipality shall provide to the landlord or the landlord's agent, on request of the landlord or the landlord's agent, the current status of the tenant's sewer or storm water disposal system service account, including any amounts due or overdue. For purposes of this section, "storm water disposal system" has the same meaning as in section 3406.

See title page for effective date.

CHAPTER 198

S.P. 475 - L.D. 1356

An Act To Improve the Statutes Governing Road Associations

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

Sec. 1. 23 MRSA §3101, sub-§1, ¶B, as enacted by PL 2007, c. 625, §1, is amended to read:

B. "Repairs and maintenance" does not include paving, except in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem or to repair and maintain pavement existing as of July 1, 2007. "Main-

tenance" includes, but is not limited to, snow-plowing, snow removal, sanding and ice control; grading and adding gravel and surface material; installing, cleaning and replacing culverts; creating and maintaining ditches, drains and other storm water management infrastructure; creating and maintaining sight distances on curves and at intersections; and cutting brush, trees and vegetation in the right-of-way.

Sec. 2. 23 MRSA §3101, sub-§2, as amended by PL 2009, c. 239, §1, is further amended to read:

2. Call of meeting. When 4 or more parcels of land are benefited by a private road, private way or bridge as an easement or by fee ownership of the private road, private way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting. The notary may issue a warrant or similar written notice setting forth the time, place and purpose of the meeting. Copies of the warrant or similar written notice must be mailed by means of the United States Postal Service to the owners of all the parcels benefited by the private road, private way or bridge at the addresses set forth in the municipal tax records at least 30 days before the date of the meeting. The notice must inform the owners of the planned meeting's agenda and specify all items to be voted on, including, but not limited to, all proposed budget items or amendments that will determine the amount of money to be paid by each owner pursuant to subsection 5. Subsequent meetings may be called in the same manner or by a commissioner or board appointed at a previous meeting pursuant to subsection 5.

Sec. 3. 23 MRSA §3101, sub-§4, as enacted by PL 2007, c. 625, §1, is amended to read:

4. Voting. Each parcel of land benefited by a private road, private way or bridge represents one vote under this section; except that, if the bylaws of the association authorize more than one vote, then each parcel may represent no more than 2 votes under this subsection. The call to a meeting may state that an owner may elect in writing to appoint another owner to vote in the owner's stead. Owners voting by absentee ballot must be polled on all voting items that were not included in the agenda and the final tally must be reported to the owners.

Sec. 4. 23 MRSA §3101, sub-§4-A, as enacted by PL 2009, c. 239, §2, is amended to read:

4-A. Road associations. A road association under this subchapter through its commissioner or board may address present and future repair and maintenance of a private road, private way or bridge as authorized by the owners at meetings called and conducted pursuant to this section until the association is dissolved by a majority vote of its members.