

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2538

H.P. 1855 House of Representatives, March 16, 1988
Reported by Representative CARROLL from the Joint
Standing Committee on State and Local Government. Sent up for
concurrence and ordered printed. Approved by the Legislative
Council on April 15, 1986 and extended on June 17, 1987.

Reference to the Committee on State and Local Government
suggested and printing ordered under Joint Rule 19.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 AN ACT to Recodify the Laws on
2 Municipalities and Counties.
3

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

6 PART A

1 (3) \$6 of each fee shall be annually
2 distributed to the municipality of the
3 owner's residence as shown on his
4 registration certificate, except that in
5 unorganized territory, \$6 of each fee shall
6 be annually distributed to the county of the
7 owner's residence as shown on his
8 registration certificate and credited to the
9 unorganized territory fund of that county
10 established in Title 30, section 5902
11 30-A, section 7502.

12 Sec. 24. 13 MRSA §1223 is amended to read:

13 §1223. Investment of funds.

14 Cemetery trust funds of any cemetery corporation
15 or association, trust company, church, religious or
16 charitable society, or other trustee, shall be
17 invested in the manner provided in Title 30, section
18 5051 30-A, section 5652, and, unless the instrument
19 or order creating the trusts prohibits, may be
20 combined with other similar trust funds in the manner
21 provided in Title 30, section 1903 30-A, section
22 5654, and the annual income only shall be expended in
23 performance of the requirements of the trust.

24 Sec. 25. 13 MRSA §1261 is amended to read:

25 §1261. Authority to hold

26 Any person owning or interested in a lot or lots
27 in a public burying ground of a city or town may
28 deposit with the treasurer of such city or town a sum
29 of money for the purpose of providing for the
30 preservation and care of such lot or lots, or their
31 appurtenances, which sum shall be entered upon the
32 books of the treasurer and invested and held in
33 accordance with Title 30, section 5051 30-A,
34 section 5652.

35 Sec. 26. 13 MRSA §3165 is amended to read:

36 §3165. Investment of funds

37 As soon as may be the corporation shall invest the

1 proceeds of sale in the manner provided in Title 30,
2 section-505; 30-A, section 5652.

3 Sec. 27. 14 MRSA §8102, sub-§1, as amended by
4 PL 1987, c. 218, §1, and c. 386, §1, is repealed and
5 the following enacted in its place:

6 1. Employee. "Employee" means a person acting
7 on behalf of the governmental entity in any official
8 capacity, whether temporarily or permanently, and
9 whether with or without compensation from local, state
10 or federal funds, including elected or appointed
11 officials, volunteer firefighters as defined in Title
12 30-A, section 3151, emergency medical service
13 personnel, Maine National Guardsmen while receiving
14 state active duty pay under Title 37-B, section 143,
15 in accordance with Title 37-B, sections 181 to 183 and
16 742, and while engaged in the Domestic Action Program,
17 but the term "employee" shall not mean a person or
18 other legal entity acting in the capacity of an
19 independent contractor under contract to the
20 governmental entity.

21 Sec. 28. 14 MRSA §8102, sub-§3, as amended by
22 PL 1987, c. 386, §3, is further amended to read:

23 3. Political subdivision. "Political subdivision"
24 means any city, town, plantation, county,
25 administrative entity or instrumentality created
26 pursuant to Title 30, chapters 203 and 204-A 30-A,
27 chapters 115 and 119, quasi-municipal corporation and
28 special purpose district, including, but not limited
29 to, any water district, sanitary district, hospital
30 district, school district of any type, any volunteer
31 fire association as defined in Title 30, section
32 377; 30-A, section 3151, and any emergency medical
33 service.

34 Sec. 29. 15 MRSA §1702, as amended by PL 1987,
35 c. 45, Pt. B, §2, is further amended to read:

36 §1702. No punishment until conviction; costs;
37 concurrent or consecutive sentences

38 No person shall may be punished for an offense
39 until convicted thereof in a court having jurisdiction
40 of the person and case. In all cases where a fine is
41 imposed he may be sentenced to pay the costs of

1 course of his employment, that sufficient notice of
2 the injury or disease has been given, and that the
3 injury or disease was not occasioned by the willful
4 intention of the employee to injure himself or
5 another.

6 Sec. 103. 39 MRSA §64-C, first ¶, as amended by
7 PL 1975, c. 480, §10, is further amended to read:

8 If any person had been an active member of a
9 municipal fire department or of a volunteer fire
10 fighters' association, as defined in Title 30,
11 section 3771 30-A, section 3151, for at least 2 years
12 prior to a cardiovascular injury or the onset of a
13 cardiovascular disease or pulmonary disease and
14 provided that the person had developed the disease or
15 had suffered the injury which resulted in death within
16 6 months of having participated in fire fighting or
17 training or drill which actually involves fire
18 fighting, there shall be a rebuttable presumption that
19 the person received the injury or disease arising out
20 of and in the course of his employment, that
21 sufficient notice of the injury or disease was given,
22 and that the injury or disease was not occasioned by
23 the willful intention of the employee to injure
24 himself or another.

25 Sec. 104. Transition clause. The following
26 provisions apply to the transition from the Maine
27 Revised Statutes, Title 30 to Title 30-A.

28 1. Personnel. This Act does not affect the term
29 or appointment of any officer, official, employee or
30 other personnel of any county, municipality,
31 plantation, village, quasi-municipal corporation or
32 any state agency, department or board governed by the
33 Maine Revised Statutes, Title 30-A.

34 2. Agreements, leases, contracts, authorizations
35 or bonds. All agreements, leases, contracts,
36 authorizations, notes or bonds issued under the Maine
37 Revised Statutes, Title 30, before the effective date
38 of this Act shall continue to be valid under the terms
39 of issuance until they expire or are rescinded,
40 amended or revoked.

1 3. Ordinances, rules and regulations. All
2 ordinances, rules and regulations enacted or adopted
3 by any county, municipality, plantation, village,
4 quasi-municipal corporation or any state agency,
5 department or board under the authority of the Maine
6 Revised Statutes, Title 30, shall continue in force
7 until they are repealed, rescinded, amended or
8 revoked.

9 4. Dedicated revenues. This Act shall not be
10 construed to change the status of any dedicated
11 revenues. All dedicated revenues existing prior to
12 this Act shall not lapse because of this Act, but
13 shall be transferred to the funds of the same name
14 which are created by this Act.

15 Sec. 105. Legislative intent. It is the intent
16 of the Legislature that this Act shall be considered a
17 revision of the laws governing local government in the
18 State.

19 STATEMENT OF FACT

20 This bill is a result of a legislative study
21 conducted by the Joint Standing Committee on State and
22 Local Government to revise the local government laws.
23 It repeals all of the laws contained in the Maine
24 Revised Statutes, Title 30, that regulate the conduct
25 of local government and reenacts them in revised form
26 as the Maine Revised Statutes, Title 30-A. The sole
27 exception to this revision is the Indian Claims Act
28 which remains unchanged in Title 30. The bill also
29 amends several laws outside of the Maine Revised
30 Statutes, Title 30, to correct cross references to
31 laws within the new Title 30-A.

32 No attempt was made to change the substance of the
33 laws in this revision and no such change is intended
34 by this bill. This bill is intended solely to clarify
35 existing law and to make it easier to use and
36 understand the laws governing local government in the
37 State. The bill rewrites archaic or confusing language
38 in plain English wherever possible, reorganizes the

1 laws into a more logical organization and corrects
2 ambiguities or conflicts within the laws.

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