

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
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then the tax imposed under this Part for the taxable year in which the disposition occurs shall be increased by an amount equal to the amount allowed as a credit in the year of disposition and in all prior years.

Sec. 4. 36 MRSA § 5202 is enacted to read:

§ 5202. Credit for investment in The Maine Capital Corporation

1. Taxable corporation. A taxable corporation shall be allowed a credit against the tax otherwise due under this Part for the taxable year for the amount of any investment in The Maine Capital Corporation.

2. Limitation on credit.

A. The credit allowed under this section shall not exceed 50% of the qualified investment.

B. The credit allowed under this section for any one taxable year shall not exceed the lesser of:

(1) 10% of the qualified investment, or

(2) 50% of the tax imposed on the taxable corporation for the taxable year.

C. The credit allowed under this section shall be available only to subscribers in the common stock of the Maine Capital Corporation.

3. Carry forward of the credit. If the amount of the credit determined under subsection 1 and subsection 2, paragraph A exceeds the limitation provided in subsection 2, paragraph B, such excess shall be a credit carry-over to each of the 4 taxable years following the first unused credit year and shall be subject to the annual limitation provided in subsection 2, paragraph B.

4. Recapture for certain dispositions. If the taxable corporation disposes of the stock in The Maine Capital Corporation within 6 years after the date on which the taxable corporation acquired such stock, in a transaction which gives rise to gain or loss for federal income tax purposes, then the tax imposed under this Part for the taxable year in which the disposition occurs shall be increased by an amount equal to the amount allowed as a credit in the year of disposition and all prior years.

Effective October 24, 1977

CHAPTER 532

AN ACT to Clarify the Statutory Provisions Concerning the Legal Capacity of a School Bus.

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

Whereas, there is confusion in the law as to the seat requirements on school buses; and

Whereas, state law enforcement officials are summoning school bus drivers to court on strict interpretation of the law; and

Whereas, this interpretation precludes full utilization of school buses and will require additional buses which was not the intent of the legislation; 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 MRSA § 2012, sub-§ 1, ¶ G, as repealed and replaced by PL 1973, c. 780, § 4, is amended to read:

G. Effective September 1, ~~1977~~ 1979, school buses with a carrying capacity of 20 or less passengers shall comply with the requirements of paragraphs B, C and E.

Sec. 2. 29 MRSA § 2014, sub-§ 1, as last repealed and replaced by PL 1975, c. 768, § 3, is repealed and the following enacted in its place:

1. Seating. All school buses shall conform to the following seating requirements.

A. The seating capacity specified by the manufacturer shall be determined by dividing the linear width of each seat by 13 and then rounding the quotient down to the nearest whole number.

B. The maximum seating capacity for students attending grades 9 through 12, or any combination of students attending grades kindergarten through 12, shall be 85% of the manufacturer's specified seating capacity.

C. The maximum seating capacity for grades kindergarten through 8 shall be the manufacturer's specified seating capacity.

D. There shall be no auxiliary seating accommodations such as temporary or jump seats.

E. Effective September 1, 1979, all seats shall face the front of the bus and shall be divided by a center aisle which is at least 12 inches wide.

F. The seating capacity shall be displayed on each school bus in a manner prescribed by the Commissioner of Educational and Cultural Services.

G. Any bus constructed to provide at least 15 inches of seat width per student shall be exempt from paragraph B.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.