

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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

Twin City Printery
Lewiston, Maine
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Sec. 2. 30 MRSA §4961-A, sub-§4, as enacted by PL 1987, c. 766, §6, is amended to read:

4. Application fees. Any application fee charged by a municipality for an application for any land use permit issued by the municipality may not exceed the reasonable cost of processing and, review, regulation and supervision of the application by the municipality and its consultants and the administration of any requirement for a certificate of compliance with any permit conditions.

Sec. 3. Effective date. Section 2 shall take effect July 21, 1988.

Emergency clause. In view of the emergency cited in the preamble, section 1 shall take effect on May 31, 1988, and section 2 shall take effect on July 21, 1988.

Effective May 11, 1988, unless otherwise indicated.

CHAPTER 861

H.P. 1962 — L.D. 2657

AN ACT Correcting Additional Errors and Inconsistencies in the Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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. 1 MRSA §71, sub-§7-A, ¶B, as enacted by PL 1987, c. 705, §2, is amended to read:

B. In preparing any legislation which amends a section or larger division of the ~~Maine Revised Statutes statutes~~, the Revisor of Statutes shall be authorized to change any masculine or feminine gender word to a gender-neutral word when it is clear that the statute is not exclusively applicable to members of one sex.

The Revisor of Statutes shall not otherwise alter the sense, meaning or effect of any statute.

Sec. 2. 1 MRSA §71, sub-§7-A, ¶C is enacted to read:

C. The rule of construction concerning gender on the effective date of an Act or resolve shall apply to that Act or resolve.

Sec. 3. Effective date. That section of this Act which amends the Maine Revised Statutes, Title 1, section 71, subsection 7-A, paragraph B, shall take effect 91 days after adjournment. That section of this Act which enacts the Maine Revised Statutes, Title 1, section 71, subsection 7-A, paragraph C, shall take effect 91 days after adjournment.

Sec. 4. PL 1987, c. 705 is amended by adding at the end the following:

Sec. 3. Application. This Act shall take effect 91 days after adjournment and shall only apply to Acts and resolves approved after that date.

Sec. 5. 4 MRSA §1057, sub-§2, as enacted by PL 1987, c. 339, §3, is amended to read:

2. Surcharge imposed. A surcharge of 10% shall be added to every fine, forfeiture or penalty imposed by any court in this State, which, for the purposes of collection and collection procedures, shall be considered a part of the fine, forfeiture or penalty. All funds collected as a result of this surcharge shall be deposited monthly in the Jail Operations Surcharge Fund.

Sec. 6. 5 MRSA §13111, first ¶, as enacted by PL 1987, c. 816, Pt. P, §14, is amended to read:

There is established within the Department of ~~Environmental Protection~~ Economic and Community Development the Office of Comprehensive Land Use Planning. The office shall assist communities in local and regional land use planning activities.

Sec. 7. 5 MRSA §19202, first ¶, as amended by PL 1987, c. 651, is further amended to read:

The Committee to Advise the Department of Human Services on AIDS, as established by section 12004, subsection 10, shall consist of not less than ~~26~~ 27 members nor more than ~~30~~ 31 members to include representation of: One allopathic physician from nominees submitted by the Maine Medical Association; one osteopathic physician from nominees submitted by the Maine Osteopathic Association; one nursing home administrator from nominees submitted by the Maine Health Care Association; one funeral director from nominees submitted by the Maine Funeral Directors Association; one social worker from nominees submitted by the Maine Chapter of the National Association of Social Workers; one public school administrator from a local school district from nominees submitted by the Maine Superintendents Association;

one nurse from nominees submitted by the Maine State Nurses Association; one representative from nominees submitted by the Maine Hospice Council; one teacher from nominees submitted by the Maine Teachers Association; 3 members of the high risk community one of whom must be a person afflicted with hemophilia; one insurance industry representative; one employee of a community mental health center; one dentist from nominees submitted by the Maine Dental Association; one state employee from nominees submitted by the Maine State Employees Association; 2 members of the public, including one parent of a school-age child; the Commissioner of Human Services or his designee who shall serve during the commissioner's term of office; one psychologist from nominees submitted by the Maine Psychological Association; one state employee from nominees submitted by the American Federation of State, County and Municipal Employees; one member representing hospitals from nominees submitted by the Maine Hospital Association; one member representing public health professionals from nominees submitted by the Maine Public Health Association; one representative of a non-profit hospital or medical service organization; one substance abuse counselor; one member of the clergy; and 2 Legislators, one member of the House of Representatives appointed by the Speaker of the House and one Senator appointed by the President of the Senate. The members, except for those specifically designated in this paragraph, shall be appointed by the Governor for their competence and experience in connection with these fields.

Sec. 8. Effective date. That section of this Act which amends the Maine Revised Statutes, Title 5, section 19202, first paragraph, shall take effect 90 days after adjournment.

Sec. 9. 7 MRSA §44, first ¶, as enacted by PL 1987, c. 650, is amended to read:

An abutting landowner or the municipality may institute any of the following proceedings with the zoning municipal board of appeals, or, if none, with the municipal body which hears zoning appeals: officers.

Sec. 10. 7 MRSA §44, sub-§3, as enacted by PL 1987, c. 650, is amended to read:

3. Appeals. A decision made by a municipal body under this section may be appealed by any aggrieved party as allowed by law for appeals of decisions made by a zoning municipal board of appeals.

Sec. 11. 12 MRSA §8603, as amended by PL 1987, c. 402, Pt. A, §98, is further amended to read:

§8603. Annual timber-cut report

Owners or operators of all primary wood-using sawmills and primary processors of veneer wood, cordwood, boltwood, pulpwood, posts, poles, piling, fence rails and commercial processors of fuel wood who annually process

more than 20 cords, except for domestic use and not for sale or conversion into products for sale, shall render an annual report to the director during the month of January of each year of the amount of softwoods and hardwoods processed by species within the State by them during the preceding calendar year and showing the county or counties from which the wood was taken. Persons transporting roundwood out of State for the same purposes shall render the same report. Forms for this report shall be provided by the director. Information contained in the reports shall not be made public by reference to individuals.

Sec. 12. 14 MRSA §3143, 2nd ¶, as enacted by PL 1987, c. 414, §2, is amended to read:

The notice shall advise the person that he was summoned or ordered to answer for a civil violation or a traffic infraction and failed to appear on the date directed. The notice shall set a new date and time for the person's appearance to answer the civil violation or traffic infraction and shall inform the person that failure to appear on this occasion will result in the adjudication of the person having committed the offense and the imposition of a fine penalty as provided by law. Notice under this section shall be complete upon mailing.

Sec. 13. 14 MRSA §3143, 3rd ¶, as amended by PL 1987, c. 708, §13, is further amended to read:

Notwithstanding the Maine Rules of Civil Procedure, ~~Rule 55, or the Maine District Court Rules of Civil Procedure, Rule 55;~~ if a person who has been summoned or ordered to answer for a civil violation or a traffic infraction fails to appear, has been mailed notice as provided in this section and thereafter again fails to appear, the court, on its own motion, shall adjudicate the defendant to have committed the offense and shall impose a fine penalty as provided by law. In the case of an adjudication for a traffic infraction, the court shall immediately suspend the defendant's license or permit to operate motor vehicles in this State or the right to apply for or obtain a license or permit to operate motor vehicles in this State, in accordance with Title 29, section 2301-A. Relief from a default judgment entered pursuant to this section may be addressed to the court and may be granted in the court's discretion upon a finding that it will further the interest of justice.

Sec. 14. Effective date. Those sections of this Act which amend the Maine Revised Statutes, Title 14, section 3143, shall take effect 90 days after adjournment.

Sec. 15. 17-A MRSA §1304, sub-§1, as amended by PL 1987, c. 769, Pt. B, §4, is further amended to read:

1. When a convicted person sentenced to pay a fine defaults in the payment of the fine or of any installment, the court, upon the motion of the official to whom the money is payable, as provided in section 1303, or upon its own motion, may require that person to show cause why that person should not be committed to the custody

of the sheriff for nonpayment and may issue a summons or a warrant of arrest for that person's appearance. Unless such person shows that the default was not attributable to a willful refusal to obey the order of the court or to a failure on that person's part to make a good faith effort to obtain the funds required for the payment, the court shall find that the default was unexcused and may ~~him~~ commit that person to the custody of the sheriff until the fine or a specified part of the fine is paid. The length of incarceration for such unexcused nonpayment of the fine shall be specified in the court's order and shall not exceed one day for each \$5 of the fine or 6 months, whichever is the shorter. When a fine is imposed on an organization, it is the duty of the person or persons authorized to make disbursements from the assets of the organization to pay it from such assets and failure so to do may subject every such person to court action pursuant to this section. A person committed for nonpayment of a fine shall be given credit towards its payment for each day after commitment that the person is in custody, at the rate specified in the court's order. The person shall also be given credit for each day that the person has been detained as a result of an arrest warrant issued pursuant to this section.

Sec. 16. 20-A MRSA §15612, sub-§10, as enacted by PL 1987, c. 850, §4, is amended to read:

10. Special education tuition and cost for out-of-district placement adjustment. The following provisions shall apply to payment of tuition, ~~treatment~~ and room and board costs for out-of-district placements. Based on the costs under ~~section 15605, subsection 2, paragraph E~~ section 15603, subsection 22, paragraph B, the State shall annually pay each local unit a per pupil adjustment determined by dividing the amount of funds made available to the department for carrying out the purposes of this Act by the number of children in out-of-district placements. The local school administrative unit shall pay the balance. This program shall be phased in based on the annual appropriation for this purpose.

Sec. 17. Effective date. That section of this Act which amends the Maine Revised Statutes, Title 20-A, section 15612, subsection 10, shall take effect July 1, 1989.

Sec. 18. 22 MRSA §13758, sub-§4, as enacted by PL 1987, c. 710, §5, is amended to read:

4. Form. Registration forms shall state: Applicant's name; address; day phone; 24-hour phone; ownership status; manufacturer or wholesaler designation; Drug Enforcement Agency and Federal Drug Administration members numbers; and date executed. Registration forms shall be executed by an owner or officer of the entity, providing printed name and title.

Sec. 19. 26 MRSA §844, sub-§1, as enacted by PL 1987, c. 661, is amended to read:

1. Family medical leave entitlement. Every employee who has been employed by the same employer

for 12 consecutive months is entitled to up to 8 consecutive work weeks of family medical leave in any 2 years unless employed at a permanent work site with fewer than 25 employees. The following conditions apply to family medical leave granted under this subchapter:

A. The employee must give at least 30 ~~days~~ days' notice of the intended date upon which family medical leave will commence and terminate, unless prevented by medical emergency from giving that notice;

B. The employer may require certification from a physician to verify the amount of leave requested by the employee; and

C. The employer and employee may negotiate for more or less leave, but both parties must agree.

Sec. 20. Effective date. The section of this Act which amends the Maine Revised Statutes, Title 26, section 844, subsection 1, shall take effect 90 days after adjournment.

Sec. 21. 26 MRSA §1192, sub-§6-C is enacted to read:

6-C. Prohibition against disqualification of individuals in approved training the Strategic Training for Accelerated Reemployment Program. Notwithstanding any provisions of this chapter, the acceptance of training for opportunities available under section 2015-A is deemed to be acceptance of training with state approval under federal or state law relating to unemployment benefits.

Sec. 22. 26 MRSA §2015-A, sub-§5, ¶A, as enacted by PL 1987, c. 775, §3, is amended to read:

A. Be unemployed and receiving unemployment compensation benefits at the time of application and have registered for the STAR program prior to the end of the 8th week of collecting unemployment compensation benefits, except that an individual may register after that time, if that individual reasonably expected to return to that person's prior employment or occupation or for other good cause as determined by rules adopted by the commissioner, pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375: ~~An exception to the time limitation may be granted for good cause shown. The commissioner shall establish standards to determine good cause. The commissioner's decision is final agency action under Title 5, section 11002, for purposes of judicial review;~~

Sec. 23. 26 MRSA §2015-A, sub-§10, ¶A, as enacted by PL 1987, c. 775, §3, is amended to read:

A. All determinations under this section shall be made promptly in writing. A claimant who is aggrieved by any decision or action made under this subchapter section may appeal to the commissioner pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. ~~This does not apply to subsection 5, paragraph A.~~

Sec. 24. 29 MRSA §1312-D, sub-§11, as enacted by PL 1987, c. 791, §22, is amended to read:

11. Conditional license. ~~Any In addition to any other condition which the Secretary of State may by law impose, any license or permit to operate a motor vehicle issued by the Secretary of State to any person adjudicated or convicted of operating under the influence of intoxicating liquor or drugs or with an excessive blood-alcohol level, in addition to any other condition or restriction which the Secretary of State may by law impose, shall be issued on the condition that the person not operate a motor vehicle after having consumed intoxicating liquor; for the following periods: On first conviction or adjudication, one year from license reinstatement date; and on a 2nd or subsequent conviction or adjudication, 6 years from date of conviction. The provisions of section 2241-J shall apply.~~

Sec. 25. Effective date. The section of this Act which amends the Maine Revised Statutes, Title 29, section 1312-D, subsection 11, shall take effect 90 days after adjournment.

Sec. 26. 29 MRSA §2241-J, sub-§2, as enacted by PL 1987, c. 791, §29, is amended to read:

2. Duty to submit to test. Any person who operates or attempts to operate a motor vehicle within this State, during the period of a conditional license, shall have the duty to submit to a test to determine the blood-alcohol level by analysis of that person's blood or breath, if there is probable cause to believe he operated or attempted to operate a motor vehicle while having 0.05% or more by weight of alcohol in the blood. Section 1312 shall apply, except that in all cases probable cause shall be to believe that the person was operating or attempting to operate a motor vehicle while having 0.05% or more by weight of alcohol in the blood and that the person has been ~~so~~ convicted of an offense which makes the operator's license, permit or right to operate a conditional one, and except that suspension for failing to comply with the duty to submit to the test shall be for a period of not less than 2 years.

Sec. 27. Effective date. The section of this Act which amends the Maine Revised Statutes, Title 29, section 2241-J, subsection 2, shall take effect 90 days after adjournment.

Sec. 28. 39 MRSA §21-A, sub-§3, as enacted by PL 1987, c. 77, §3, is amended to read:

3. Failure to conform. The failure of any private employer not exempt under subsection 1 or of any governmental body, as defined in subsection 2, to procure insurance coverage for the payment of compensation pursuant to sections 22 to 27 shall constitute failure to secure payment of compensation provided for by this Act within the meaning of section 104-A, ~~subsection 2 subsection 2-B~~, and shall subject the employer to the penalties prescribed by that section. For purposes of this sub-

section, the term "insurance coverage" includes authorization by the Superintendent of Insurance to self-insure.

Sec. 29. 39 MRSA §23, first ¶, as amended by PL 1987, c. 77, §4, is further amended to read:

Every employer subject to this Act shall secure compensation and other benefits to his employees in one or more of the ways described in this section. The failure of any employer subject to this Act to procure insurance coverage for the payment of compensation and other benefits to his employees in some one of the ways described in this section shall constitute failure to secure payment of compensation provided for by this Act within the meaning of section 104-A, ~~subsection 2 subsection 2-B~~, and shall subject the employer to the penalties prescribed by that section.

Sec. 30. 39 MRSA §58-A, sub-§1, as repealed and replaced by PL 1985, c. 601, §3, is repealed.

Sec. 31. 39 MRSA §67, as amended by PL 1985, c. 652, §54, is further amended to read:

§67. Invalidity of waiver of rights; claims not assignable

No agreement by an employee unless approved by the commission or by the ~~Director of the Bureau of Labor Commissioner of Labor~~, to waive his rights to compensation under this Act may be valid. No claims for compensation under this Act may be assignable or subject to attachment or liable in any way for debt, except for the enforcement of a current support obligation or support arrears pursuant to Title 19, chapter 7, subchapter V or Title 19, chapter 14-A.

Sec. 32. 39 MRSA §87, sub-§5, as enacted by PL 1985, c. 372, Pt. A, §29, is amended to read:

5. Employer refusal; sanctions. Refusal of the employer to comply with a requirement, determination or order of the commission, this chapter or a rule promulgated thereto, or with the terms of an approved plan or agreement under this subchapter, shall be deemed a failure to pay compensation subject to section 104-A, ~~subsection 2 subsection 2-B~~. The commissioner or the employee may seek enforcement under section 103-E.

Sec. 33. PL 1987, c. 559, Pt. B, §54 is amended to read:

Sec. 54. Applicability. Sections 15, 17 to 19, 21 to 38 and 41 to 43 of Part B of this Act apply only to injuries occurring on or after the effective date of this Act. Section 14 of Part B of this Act applies only to injuries occurring on or after July 1, 1989.

Sec. 34. PL 1987, c. 633, §3, first 2 lines are repealed and the following enacted in their place:

Sec. 3. 34-A MRSA §3003, sub-§1, ¶D is enacted to read:

Sec. 35. Effective date. That section of this Act which amends Public Law 1987, chapter 633, section 3, the first 2 lines, shall take effect 90 days after adjournment.

Sec. 36. PL 1987, c. 791, §19 is amended to read:

Sec. 19. 29 MRSA §1312-B, sub-§2, as amended by PL 1987, c. 536, §§5 and 11, is further amended to read:

2. Penalties. The offense defined in subsection 1 is a Class D crime, provided that in the determination of an appropriate sentence, refusal to submit to a chemical test shall in every case be an aggravating factor. In the following cases the following minimum penalties shall apply.

A. Except as provided in paragraph B, in the case of a person having no previous convictions of a violation of former section 1312, subsection 10, former section 1312-B or this section and having no previous suspension of license or privilege to operate for failure to comply with the duty to submit to and complete a test to determine the level of blood-alcohol under section 1312 within a 6-year period, the fine shall not be less than \$300 and the court shall suspend the defendant's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license for a period of 90 days, which penalties may not be suspended.

B. In the case of a person having no previous convictions of a violation of former section 1312, subsection 10, former section 1312-B, or this section and having no previous suspension of license or privilege to operate for failure to comply with the duty to submit to and complete a test to determine the level of blood-alcohol under section 1312 within a 6-year period, the fine shall not be less than \$300, the sentence shall include a period of incarceration of not less than 48 hours and the court shall suspend the defendant's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license for a period of 90 days, which penalties may not be suspended, when the person:

- (1) Was tested as having a blood-alcohol level of 0.15% or more;
- (2) Was driving in excess of the speed limit by 30 miles an hour or more during the operation which resulted in the prosecution for operating under the influence or with a blood-alcohol level of 0.10% 0.08% or more; or
- (3) Eluded or attempted to elude an officer, as defined in section 2501-A, subsection 3, during the operation which resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.10% 0.08% or more; or
- (4) Failed to submit to a chemical test for the de-

termination of that person's blood-alcohol level, at the request of a law enforcement officer on the occasion which resulted in the conviction.

C. In the case of a person having one previous conviction of a violation of former section 1312, subsection 10, former section 1312-B or this section, or having at least one previous suspension for failure to comply with the duty to submit to and complete a test to determine the level of blood-alcohol under section 1312 within a 6-year period, the fine shall not be less than \$500, the sentence shall include a period of incarceration of not less than 7 days and the court shall suspend the defendant's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license for a period of one year, which penalties may not be suspended.

D. In the case of a person having 2 or more previous convictions of violations of former section 1312, subsection 10, former section 1312-B or this section, within a 6-year period, the fine shall not be less than \$750, the sentence shall include a period of incarceration of not less than 30 days and the court shall suspend the defendant's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license for a period of 2 years, which penalties may not be suspended.

D-1. In addition to the penalties provided under paragraphs C and D, the court shall order the defendant to participate in the alcohol and other drug education, evaluation and treatment program for multiple offenders administered by the Department of Human Services, as defined in Title 22, chapter 1602. The court may waive the multiple offender intervention program under Title 22, section 7203, subsection 3, paragraph A, if the court finds that the defendant has completed a residential treatment program, or its equivalent, subsequent to the date of the offense.

E. The penalties provided under paragraphs A, B, C and D shall not be suspended by the court. The court shall give notice of the suspension and take physical custody of the operator's license as provided in section 2241-H. The Secretary of State may impose an additional period of suspension as provided in section 1312-D, subsection 1-A, or may extend any period of suspension until satisfaction of any conditions imposed pursuant to section 1312-D, subsection 3.

F. For purposes of this section, a prior conviction has occurred within the 6-year period provided if the date of docket entry by the clerk of a judgment of conviction or adjudication is 6 years or less from the date of the new conduct which is penalized or for which the penalty is or may be enhanced.

G. For the purposes of this section, a previous suspension of license or privilege for failure to comply with the duty to submit to and complete a test to determine the level of blood alcohol under section 1312 has oc-

curred within the 6-year period if the date of the suspension is 6 years or less from the date of the new conduct which is penalized or for which the penalty is or may be enhanced.

Sec. 37. PL 1987, c. 811, §§21 and 22 are amended to read:

Sec. 21. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers

All Other \$199,320
\$99,320

Provides funds for the State's share of Medicaid's portion of additional hospital cost to implement this Act.

Sec. 22. **Allocation.** The following funds are allocated from Federal Expenditure funds to carry out the purposes of this Act.

1988-89

HUMAN SERVICES, DEPARTMENT OF

Medical Care — Payments to Providers

All Other \$400,660
\$199,633

Allocates federal matching funds.

Sec. 38. PL 1987, c. 816, Pt. A, §1, under the caption "HUMAN SERVICES, DEPARTMENT OF" in the last part relating to "Aid to Families with Dependent Children," is amended to read:

Aid to Families with Dependent Children

All Other \$215,000

Provides funds for ~~\$198~~ maximum monthly benefit amount benefits to ~~first-time~~ first-time pregnant teenagers women in the last trimester of pregnancy.

Sec. 39. PL 1987, c. 827, §§3 and 4 are repealed.

Sec. 40. PL 1987, c. 852, §1 is amended to read:

Sec. 1. 36 MRSA §578, sub-§1, as amended by PL 1981, c. 706, §7, is further amended to read:

1. Organized areas. The municipal assessors or chief assessor of a primary assessing area shall adjust the State Tax Assessor's 100% valuation per acre for each forest type of their county by whatever ratio, or percentage of current just value, is then being applied to other

property within the municipality to obtain the assessed values. Forest land in the organized areas, subject to taxation under this subchapter, shall be taxed as the property tax rate applicable to other property in the municipality, which rate shall be applied to the assessed values so determined. ~~For any tax year in which a municipality has a situation where the aggregate tax assessed on lands classified under this subchapter is less than 90% of the aggregate tax assessed on the same lands in 1972, the municipality shall have a valid claim against the State to recover the taxes lost to the extent that such loss exceeds a 10% loss from 1972, upon proof of the facts in form satisfactory to the State Tax Assessor.~~

The State Tax Assessor is authorized to make provisional payment of up to 75% of any municipal claim found to be in satisfactory form. The payment shall be made within 90 days after receipt of a satisfactory claim and shall be presented for final settlement to the Legislature next convening.

In tax years beginning on or after January 1, 1978, April 1, 1988, the State Tax Assessor shall determine annually the amount of acreage in each municipality which is classified and taxed in accordance with this subchapter. A municipality actually levying and collecting municipal property taxes and within whose boundaries this acreage lies shall receive annual payments from moneys money so appropriated by the Legislature provided it submits an annual return in accordance with section 383; and it achieves the appropriate minimum assessment ratio described in section 327. For the property tax year based on the status of property on April 1, 1988, the per acre reimbursement amount shall increase from 15¢ to 24¢. For the property tax year based on the status of property on April 1, 1989, the per acre reimbursement shall be 65% of the per acre tax revenue lost as a result of this subchapter. For property tax years based on the status of property on April 1, 1990, or thereafter, the per acre reimbursement shall be 90% of the per acre tax revenue lost as a result of this subchapter. For purposes of this section, the tax lost is the tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped acreage, whichever is less, minus the tax that was actually assessed on the same lands in accordance with this subchapter.

~~For the tax years beginning on or after January 1, 1978, a municipality's annual payment shall be the greater of either an amount computed as provided in the previous paragraph, or the product of multiplying the number of acres in the municipality which are classified and taxed in accordance with this subchapter by 15¢.~~

~~For those municipalities where the annual payment amount is determined by the product of multiplying the number of acres which are classified and taxed in accor-~~

~~dance with this subchapter by 15¢ the Treasurer of State shall pay to the municipality by December 15th of that year the amount certified by the State Tax Assessor.~~

No municipality may receive a reimbursement payment under this section which would exceed an amount determined by calculating the tree growth tax loss less the municipal savings in educational costs attributable to reduced state valuation.

A. The tree growth tax loss is the adjusted tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect minus the tax that was actually assessed on the same lands in accordance with this subchapter.

In determining the adjusted tax that would have been assessed, the tax rate to be used is computed by adding the additional school support required by the modified state valuation attributable to the increased valuation of forest land to the original tax committed and dividing this sum by the modified total municipal valuation. The adjusted tax rate is then applied to the valuation of forest land based on the undeveloped acreage valuations, adjusted by the certified ratio, to determine the adjusted tax.

B. The municipal savings in educational costs is determined by multiplying the school subsidy index by the change in state valuation attributable to the use of the valuations determined in accordance with this subchapter on classified forest lands rather than their valuation using the undeveloped acreage valuations used in the state valuation then in effect.

Sec. 41. PL 1987, c. 852, §§2 and 3 are repealed.

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

Effective May 11, 1988, unless otherwise indicated.

CHAPTER 862

H.P. 1950 — L.D. 2643

AN ACT to Make Necessary Changes to Implement Comprehensive Land Use Planning.

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

Whereas, Public Law 1987, chapter 816, passed as emergency legislation; and

Whereas, this legislation makes necessary changes in that emergency Act which are also needed as an emergency; and

Whereas, in the judgement 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:

PL 1987, c. 816, Pt. A, §1, in that part designated "ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF" in the part relating to "Comprehensive Land Use Planning" is amended to read:

Comprehensive Land Use Planning

Positions	(16)
Personal Services	329,877
All Other	325,000
Capital Expenditures	120,000

Provides funds for the Office of Comprehensive Land Use Planning. ~~Positions include: Deputy Commissioner, 3 Clerk Typist II's, 3 Planner II's for Grant Administration, 3 Planner II's for Technical Assistance, 2 Planning Educators, a Planner II for Enforcement and 3 Planner II's for Plan Review.~~ The positions include: A Deputy Commissioner which shall be considered a major policy-influencing position and 5 Senior Planners, 4 Planner II's and 2 Coordinators which shall be unclassified positions. There are also authorized 3 Clerk Typist III's and one Administrative Assistant. Also includes \$100,000 for consulting fees for model development and printing costs, \$10,000 for expenses of the Planning Advisory Board, \$75,000 to inventory critical fish and wildlife habitats and \$100,000 for local enforcement salary reimbursements. Capital expenditure funds are for additional space and equipment needs.

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

Effective May 11, 1988.

CHAPTER 863

H.P. 1949 — L.D. 2642

AN ACT to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations.

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

Sec. 1. PL 1987, c. 816, Pt. A, under the caption **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**, under the heading Department-wide, is amended to read:

Personal Services	486,000
	399,320

Sec. 2. Appropriation. The following funds are