

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

An appeal may be taken from a final order in a proceeding under this subchapter in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under section 1764, the enforcing court may not stay an order enforcing a child custody determination pending appeal.

#### **§1775. Role of prosecutor**

**1. Action by prosecutor.** In a case arising under this chapter or involving the Hague Convention on the Civil Aspects of International Child Abduction, the prosecutor may take any lawful action, including resorting to a proceeding under this subchapter or any other available civil proceeding to locate a child, obtain the return of a child or enforce a child custody determination if there is:

- A. An existing child custody determination;
- B. A request to do so from a court in a pending child custody proceeding;
- C. A reasonable belief that a criminal statute has been violated; or
- D. A reasonable belief that the child has been wrongfully removed or retained in violation of the Hague Convention on the Civil Aspects of International Child Abduction.

**2. Prosecutor acts on behalf of court.** A prosecutor acting under this section acts on behalf of the court and may not represent any party.

#### **§1776. Role of law enforcement**

At the request of a prosecutor acting under section 1775, a law enforcement officer may take any lawful action reasonably necessary to locate a child or a party and assist a prosecutor with responsibilities under section 1775.

#### **§1777. Costs and expenses**

If the respondent is not the prevailing party, the court may assess against the respondent all direct expenses and costs incurred by the prosecutor and law enforcement officers under section 1775 or 1776.

### **SUBCHAPTER IV**

#### **MISCELLANEOUS PROVISIONS**

#### **§1781. Application and construction**

In applying and construing this uniform Act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

#### **§1782. Effective date**

This chapter takes effect January 1, 2000.

#### **§1783. Transitional provision**

A motion or other request for relief made in a child custody proceeding or to enforce a child custody determination that was commenced before January 1, 2000 is governed by the law in effect at the time the motion or other request was made.

**Sec. 4. 19-A MRSA §4004**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

#### **§4004. Application of other acts**

The provisions and limitations of the Uniform Child Custody Jurisdiction and Enforcement Act ~~do not~~ apply to a proceeding under this chapter ~~unless~~ regardless of whether it is joined with another proceeding under section 4010, subsection 2.

**Sec. 5. 19-A MRSA §4007, sub-§1, ¶G**, as amended by PL 1997, c. 187, §4 and affected by §5, is further amended to read:

G. Either awarding temporary custody of minor children or establishing temporary visitation rights with regard to minor children when the visitation is determined to be in the best interest of the child, or both, as determined in accordance with the best interest of the child pursuant to section 1653, subsections 3 to 6. The court's custody and visitation award ~~shall~~ is not ~~be~~ binding in any separate action involving an award of parental rights and responsibilities pursuant to chapter 55 or in a similar action brought in another jurisdiction exercising child custody jurisdiction in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act;

**Sec. 6. Effective date.** This Act is effective January 1, 2000.

Effective January 1, 2000.

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## **CHAPTER 487**

**S.P. 198 - L.D. 587**

### **An Act to Ameliorate Penalties for Late Filing of Municipal Tax Returns**

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

**Sec. 1. 36 MRSA §383**, as amended by PL 1989, c. 857, §75, is repealed and the following enacted in its place:

**§383. Assessors' annual return to State Tax Assessor**

**1. Annual return.** The municipal assessors and the assessors of primary assessing areas shall make and return lists, which must be seasonably furnished by the State Tax Assessor for that purpose, all such information as to the assessment of property and collection of taxes as may be needed in the work of the State Tax Assessor, including annually the land value, exclusive of buildings and all other improvements, and the valuation of each class of property assessed in their respective jurisdictions, with the total valuation and percentage of taxation, together with a statement to the best of their knowledge and belief of the ratio, or percentage of current just value, upon which the assessments are based and itemized lists of property upon which the towns have voted to affix values for taxation purposes.

**2. Assessment ratio.** The State Tax Assessor may establish procedures and adopt rules, in accordance with the Maine Administrative Procedure Act, designed to ensure that the ratio certified by the municipal assessors or the assessors of primary assessing areas is accurate within 20% of the state valuation ratio last determined, unless adequate evidence is presented to the State Tax Assessor by the municipalities to justify a different assessment ratio.

**3. When due.** The return and lists required by subsection 1 must be returned to the State Tax Assessor no later than November 1st, annually, or 30 days after commitment of taxes, whichever is later.

**4. Penalty for late filing.** If the complete return and lists required by this section are not filed on time, the State Tax Assessor shall impose a penalty to be deducted from state reimbursement due to the municipality or primary assessing area under section 578. For a municipality or primary assessing area with a population of 2,000 or less, the penalty is \$50 for the first late day plus \$10 for each late day thereafter. For a municipality or primary assessing area with a population of more than 2,000, the penalty is \$100 for the first late day plus \$20 for each late day thereafter. The penalty may not exceed the total amount of reimbursement due the municipality or primary assessing area under section 578.

See title page for effective date.

**CHAPTER 488**

**H.P. 807 - L.D. 1130**

**An Act to Implement the  
Recommendations of the Task Force  
to Study Telecommunications  
Taxation**

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

**Sec. 1. 36 MRSA §112, sub-§9-A** is enacted to read:

**9-A. Review of telecommunications taxation.**

By January 1, 2001 and January 1, 2004, the assessor shall review the provisions of this Title relating to the taxation of telecommunications services including the taxation of electronic commerce. The review must include an analysis of the impact of structural and technological changes in the telecommunications industry and a review of federal and other national activities relating to the taxation of telecommunications services and electronic commerce. Before issuing a final report, the assessor shall solicit comments from the Public Utilities Commission, the Public Advocate, the Maine Science and Technology Foundation, the Department of Economic and Community Development, businesses providing and using telecommunications services and electronic commerce, organizations representing municipal officials and members of the public. The assessor shall submit a report by January 1, 2001 and January 1, 2004 to the joint standing committee of the Legislature having jurisdiction over taxation matters containing the results of the review required by this subsection, the assessor's recommendations regarding changes to the laws relating to the taxation of telecommunications services and electronic commerce and a summary of significant comments received by the assessor during the review.

This subsection is repealed January 2, 2004.

**Sec. 2. 36 MRSA §1752, sub-§§7-D and 8-B** are enacted to read:

**7-D. Network elements.** "Network elements" means features, functions and capabilities that are provided by a telecommunications carrier to another telecommunications carrier including subscriber numbers, databases, signaling systems and information sufficient for billing and collection or used in the transmission, routing or other provisions of a telecommunications service.

**8-B. Prepaid calling arrangement.** "Prepaid calling arrangement" means the right to purchase exclusively telecommunications services, which must be paid for in advance, that enables the origination of