

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.

J.S. McCarthy Company
Augusta, Maine
1999

CHAPTER 507

S.P. 776 - L.D. 2175

An Act to Amend the Maine Residents Property Tax Program

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

Whereas, the residents of the State are burdened by the large portion of their incomes that they must pay to property taxes; and

Whereas, a delay of relief provided by the Maine Residents Property Tax Program places an additional economic burden on the residents of the State; and

Whereas, filing for the Maine Residents Property Tax Program begins August 1st of this year; and

Whereas, the State Tax Assessor will need time to prepare for the changes to the Maine Residents Property Tax Program provided in this 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. 36 MRSA §6201, sub-§2, as amended by PL 1995, c. 368, Pt. CCC, §5 and affected by §11, is further amended to read:

2. Claimant. "Claimant" means an individual who has filed a claim under this chapter and was domiciled in this State and occupied a homestead in this State during the entire calendar year preceding the year in which claim for relief under this chapter is filed. "Claimant" also includes an individual who has filed a claim under this chapter and who owned or otherwise maintained a homestead in this State during the entire calendar year preceding the year in which the claim for relief under this chapter is filed and occupied that homestead for at least 6 months during that year. Regardless of how many names of individuals appear on the property deed, the person who meets the qualifications described in this subsection and proves sole responsibility for the payment of the property taxes on the subject property is the claimant for that property. If 2 or more individuals meet the qualifications in this subsection and share the payment of the rent or the responsibility for the payment of the property taxes, each individual may apply on the basis

of the rent paid or the property taxes levied on the homestead that reflect the ownership percentage of the claimant and the claimant's household.

If 2 or more individuals claim the same property, the matter must be referred to the State Tax Assessor, whose decision is final. Ownership of a homestead under this chapter may be by fee, by life tenancy, by bond for deed, as mortgagee or any other possessory interest in which the owner is personally responsible for the tax for which a refund is claimed.

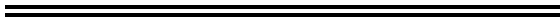
Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Maine Residents Property Tax Program		
All Other	\$11,836	\$12,072
Provides funds for benefits to claimants based on occupancy of less than a full calendar year.		
Elderly Householder's Tax Refund		
All Other	\$11,836	\$12,072
Provides funds for benefits to claimants based on occupancy of less than a full calendar year.		
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES		
TOTAL	\$23,671	\$24,144

Sec. 3. Retroactivity. This Act applies retroactively to January 1, 1997.

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

Effective June 11, 1999.



CHAPTER 508

H.P. 1386 - L.D. 1992

An Act to Limit Entry into the Lobster Fishery by Zone

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

Sec. 1. 12 MRSA §6446, sub-§1-A is enacted to read:

1-A. Declared lobster zone. A person shall declare on an application for a Class I, Class II or Class III lobster and crab fishing license the lobster management zone in which that person proposes to fish a majority of that person's lobster traps. A license must identify the zone in which the person is authorized to fish a majority of that person's lobster traps.

Sec. 2. 12 MRSA §6447, sub-§7, ¶B, as enacted by PL 1995, c. 468, §8, is amended to read:

B. Declared at the time of obtaining a Class I, Class II or Class III license the zone in which the person ~~predominantly harvests lobsters~~ fishes a majority of that person's lobster traps. ~~For the purposes of this subsection, a~~ A person may declare only one zone as the zone in which the person ~~predominantly harvests lobsters~~ fishes a majority of that person's lobster traps.

Sec. 3. 12 MRSA §6448 is enacted to read:

§6448. Limited-entry zones

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Declared lobster zone" means the zone identified on a lobster and crab fishing license pursuant to section 6446, subsection 1-A.

B. "Limited-entry zone" means a lobster management zone established pursuant to section 6446 for which rules establishing limits on new zone entrants have been adopted pursuant to subsection 2.

C. "New zone entrant" means a person who declares a limited-entry zone as that person's declared lobster zone but who did not hold in the previous licensing year a Class I, Class II or Class III lobster and crab fishing license that identified that zone as the person's declared lobster zone.

2. Rules for limited-entry zones. The commissioner may adopt rules establishing limits on new zone entrants to a lobster management zone. These rules must be adopted in accordance with this subsection.

A. After conducting a written survey in the zone, a lobster management policy council may propose to the commissioner an exit ratio to limit new zone entrants to the zone. The lobster man-

agement policy council is not required to submit the proposal to referendum and the proposed exit ratio does not need to receive approval through the survey in order to be forwarded to the commissioner.

B. The commissioner may initiate rulemaking under this subsection only upon receipt of a proposal under paragraph A. The commissioner shall hold a public hearing on the proposed rules pursuant to Title 5, section 8052. The public hearing must be held in the zone in which the rules would apply and the results of the written survey must be entered into the record.

C. Rules adopted under this subsection must establish an exit ratio between the number of individuals who declared that zone as their declared lobster zone in the year prior to the previous calendar year, but who did not declare that zone as their declared lobster zone in the previous calendar year, and the number of new zone entrants authorized under subsection 7. An exit ratio established by rule under this subsection is not required to be the same as the exit ratio proposed by the lobster management policy council.

D. Upon written notification from the lobster management policy council that a majority of the council has voted to conduct a survey in a zone regarding a proposal for an exit ratio to limit new zone entrants to the zone, the commissioner shall close the zone to new zone entrants until the commissioner either adopts rules under this subsection or declares that the commissioner will not initiate rulemaking under this subsection. In no event may the zone remain closed for longer than one year unless the commissioner has adopted rules establishing limits on new zone entrants to the zone.

3. Fishing in limited-entry zones. A person who holds a Class I, Class II or Class III lobster and crab fishing license may not fish a majority of that person's lobster traps in a limited-entry zone unless that person's license identifies that zone as the declared lobster zone.

4. Limited-entry zone as declared lobster zone. A person may not be issued a Class I, Class II or Class III lobster and crab fishing license that identifies a limited-entry zone as the declared lobster zone unless that person:

A. Held in the previous licensing year a Class I, Class II or Class III lobster and crab fishing license that identified that zone as the person's declared lobster zone; or

B. Is authorized as a new zone entrant by the commissioner pursuant to subsection 7 to declare that zone as the person's declared lobster zone.

5. Application for limited-entry zone. A person who wishes to declare a limited-entry zone as that person's declared lobster zone shall indicate on that person's application for a Class I, Class II or Class III lobster and crab fishing license between October 15th and December 15th of the previous licensing year a request to declare that zone as the person's declared lobster zone. A person may indicate up to 2 limited-entry zones that the person requests to declare as the person's declared lobster zone. The commissioner shall stamp each lobster and crab fishing license application that contains such a request with the time and date of submission.

6. Public waiting list. The commissioner shall maintain and make available a waiting list in chronological order of people who have requested to declare a limited-entry zone as their declared lobster zone.

7. Authorization of new zone entrants. The commissioner shall determine by February 1st of each licensing year the number of new zone entrants that may be authorized for each limited-entry zone. The number of new zone entrants authorized in a licensing year must be in accordance with the exit ratio established under subsection 2 for that zone. The commissioner shall authorize new zone entrants in chronological order of requests received under subsection 5. The commissioner shall notify the authorized new zone entrants by certified mail. If a person does not declare a zone within 30 days after receiving the notification by certified mail, that person must be taken off the waiting list and the next person on the list must be authorized as a new zone entrant. If a person has indicated a request for more than one zone pursuant to subsection 5, that person must be taken off the waiting list for the 2nd zone when the person declares one of the zones as that person's declared lobster zone after being authorized to do so.

8. Exception. Notwithstanding subsection 4, a person who holds a Class I lobster and crab fishing license and who is under 18 years of age or is 70 years of age or older may declare any zone as that person's declared lobster zone.

9. Rules. The commissioner may establish by rule procedures to implement this section. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 509

S.P. 770 - L.D. 2168

An Act to Implement the Recommendations of the State Compensation Commission

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

Sec. 1. 3 MRSA §2, first ¶, as amended by PL 1991, c. 4, is further amended to read:

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December ~~1990~~ 2000 and thereafter, is entitled to ~~\$10,500~~ \$10,815 in the first year and ~~\$7,500~~ \$7,725 in the 2nd year of each biennium, except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to ~~\$9,000~~ \$9,270 in each year of the biennium. Each member of the Senate and the House of Representatives must receive a cost-of-living adjustment in annual legislative salary, except that the percentage increase may not exceed 5% in any year. Beginning December 1, 2001, the salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year. In addition, each Legislator is entitled to be paid for travel at each legislative session once each week at the same rate per mile to and from that Legislator's place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike ~~provided as long as~~ they have a receipt for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and ~~such those~~ amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end ~~thereof~~ of the session.

Sec. 2. 3 MRSA §2, 3rd ¶, as amended by PL 1997, c. 309, §1, is further amended to read:

Except as provided in this section, each member of the Senate and House of Representatives is entitled to a meal allowance in the amount of \$32 and a housing allowance in the amount of \$38 for each day in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding