

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

unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. A-11. Referendum for ratification; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$50,000,000 bond issue to purchase public lands and easements statewide from willing sellers for conservation, water access, outdoor recreation, including hunting and fishing, wildlife and fish habitat and farmland preservation, to be matched by \$25,000,000 in private and public contributions?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of the Part, the Governor shall proclaim the result without delay, and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

PART B

Sec. B-1. 5 MRSA §6208-A is enacted to read:

§6208-A. Unorganized territory; county approval

1. Approval. Approval by the county commissioners is required if land proposed to be acquired under a bond issue within the unorganized territory in a county constitutes more than 1% of the state valuation within the county.

2. Transactions. Any acquisition of land within an unorganized territory by eminent domain funded by the board, when the land exceeds either 50 acres or \$100,000 in assessed value, must be approved by the county in which the land is located. That approval

may be obtained either from the county commissioners or, if they do not approve, by referendum of the legal voters within the county.

See title page for effective date, unless otherwise indicated.

CHAPTER 515

H.P. 938 - L.D. 1315

An Act to Ensure the Quality and Safety of Child Care and to Expand Home Visiting Services

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

PART A

Sec. A-1. PL 1999, c. 401, Pts. LLL and MMM are repealed.

Sec. A-2. Contingent effective date. This Part takes effect July 1, 2000 only if sufficient funds are available in the Fund for a Healthy Maine.

PART B

Sec. B-1. Home visiting services to parents. Beginning July 1, 2000, the Department of Human Services shall expand home visiting services to the parents of all newborn children in the State, if the parents desire the services, until those children attain 5 years of age if sufficient funds as provided in this Part are available. The program of home visiting services must include provisions allowing the family to voluntarily pay a donation, for which a sliding scale based on income is provided by the department, upon termination of services to the family and a mechanism for evaluating the home visiting programs in operation within the State.

Sec. B-2. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

2000-01

**HUMAN SERVICES,
DEPARTMENT OF**

Bureau of Health

All Other	\$2,910,000
Provides funds from the Fund for a Healthy Maine to expand	

home visiting services to the parents of newborn children.

Sec. B-3. Contingent effective date. This Part takes effect July 1, 2000 only if sufficient funds are available in the Fund for a Healthy Maine.

PART C

Sec. C-1. Department of Human Services; rulemaking. The Department of Human Services shall adopt rules necessary to:

1. Allow the provision of after-school care for students 12 to 15 years of age;
2. Allow the provision of full-day, year-round Head Start programming;
3. Maximize the procurement of federal funds available as a result of the increased state contribution in section 2; and
4. Implement any other provision of this Part.

Rules adopted pursuant to this section are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

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

1999-00

**HUMAN SERVICES,
DEPARTMENT OF**

Purchased Social Services

All Other	\$1,575,000
Provides funds on a one-time basis to support systemic quality improvements such as training and facilities improvements.	

Sec. C-3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Part.

2000-01

**HUMAN SERVICES,
DEPARTMENT OF**

Purchased Social Services

All Other	\$2,093,179
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Provides funds from the Fund for a Healthy Maine for additional infant, toddler and preschool child care subsidies.

Purchased Social Services

All Other	962,850
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Provides funds from the Fund for a Healthy Maine for additional school-aged child care subsidies.

Purchased Social Services

All Other	525,000
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Provides funds from the Fund for a Healthy Maine for after-school services to the 12-to-15-year age group. Service for this age group would necessitate a change in policy.

Purchased Social Services

All Other	300,000
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Provides funds from the Fund for a Healthy Maine to support systemic quality improvements such as increased wages, training and facilities improvements.

Purchased Social Services

All Other	1,442,859
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Provides funds from the Fund for a Healthy Maine to support incentives for child care providers to offer care during odd hours and in underserved geographic areas.

Purchased Social Services

All Other	393,750
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Provides funds to support child care resource development centers.

**Service Center - Auditing,
Contracting and Licensing**

Positions - Legislative Count	(10,000)
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Personal Services	\$350,362
All Other	42,000
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Total	\$392,362

Provides funds from the Fund for a Healthy Maine for 10 additional positions to provide additional support to the Auditing, Contracting and Licensing Center.

**DEPARTMENT OF
HUMAN SERVICES
TOTAL**

\$6,110,000

Sec. C-4. Contingent effective date. This Part takes effect July 1, 2000 only if sufficient funds are available in the Fund for a Healthy Maine.

See title page for effective date, unless otherwise indicated.

CHAPTER 516

H.P. 252 - L.D. 356

**An Act Relating to the Sales Tax
Treatment of Certain Rentals and
Leases**

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

Sec. 1. 36 MRSA §1752, sub-§3-D is enacted to read:

3-D. Furniture. "Furniture" means the following movable items that are intended to make a room or establishment useful for human habitation.

A. "Furniture" includes:

- (1) Living room furniture, including, but not limited to, sofas, love seats, loungers, recliners, chairs, end tables, coffee tables, curio cabinets, home entertainment centers, book shelves and floor and table lamps;
- (2) Bedroom furniture, including, but not limited to, headboards, footboards, bed frames, mattresses, box springs, dressers, chests of drawers, mirrors, armoires, nightstands, bunk beds, roll-away beds and chests;
- (3) Baby furniture, including, but not limited to, cribs, dressers and changing tables;

(4) Dining room furniture, including, but not limited to, tables, chairs, dinette sets, hutches and dry sinks;

(5) Patio and outdoor furniture, including, but not limited to, tables, chairs, umbrellas, porch swings and gliders;

(6) Office furniture including, but not limited to, desks, chairs, tables, workstations, movable partitions, shelving, file cabinets, coat racks and couches; and

(7) Home electronic devices including home appliances, home computers, televisions, stereos and radios.

B. "Furniture" does not include:

(1) Items that are affixed to real property such as sinks, toilets, built-in cabinets or light fixtures; or

(2) Furnishings such as carpeting, artwork, draperies or blinds.

Sec. 2. 36 MRSA §1752, sub-§11, ¶B, as repealed and replaced by PL 1995, c. 281, §12 and affected by §42, is amended to read:

B. "Retail sale" does not include:

- (1) Any casual sale;
- (2) Any sale by a personal representative in the settlement of an estate, unless the sale is made through a retailer, or unless the sale is made in the continuation or operation of a business;
- (3) The sale, to a person engaged in the business of renting automobiles, of automobiles, integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented on a short-term basis;
- (4) The sale, to a person engaged in the business of renting audio or video tapes and audio or video equipment, of audio or video tapes or audio or video equipment for rental; ~~or~~
- (5) The sale, to a person engaged in the business of renting or leasing automobiles, of automobiles for rental or lease for one year or more-; or
- (6) The sale, to a person engaged in the business of renting furniture, of furniture for rental.