

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

**Whereas**, the 90-day period would delay the processing of the 1999 income tax returns; and

**Whereas**, legislative action is immediately necessary to ensure continued and efficient administration of the Maine income tax law and certain other state taxes; 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 §111, sub-§1-A**, as amended by PL 1999, c. 520, §1 and affected by §5, is further amended to read:

**1-A. Code.** "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1998~~ 1999.

**Sec. 2. Application.** This Act applies to tax years beginning on or after January 1, 1999.

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

Effective March 14, 2000.

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## CHAPTER 549

H.P. 1632 - L.D. 2284

### An Act to Maintain the Eel and Elver Management Fund and Regulate Permits for Eel Weirs

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

**Sec. 1. 12 MRSA §7153, sub-§4**, as enacted by PL 1995, c. 536, Pt. B, §2, is amended to read:

**4. Disposition of fees.** All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D, except that \$42 accrues to the General Fund for each eel pot or eel weir permit issued under this section. ~~This subsection is repealed on January 1, 2001.~~

**Sec. 2. 12 MRSA §7153, sub-§5**, as enacted by PL 1995, c. 536, Pt. B, §2, is amended to read:

**5. Five-year limited entry; eel weirs.** The department may not issue an eel weir permit to a person

unless that person possessed a valid eel weir permit for calendar year 1995. ~~This subsection is repealed on January 1, 2001. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter II-A regarding the issuance of eel weir permits. The number of weirs and the number of square miles of watersheds in this State fished by eel weirs may not exceed those permitted in calendar year 1995.~~

See title page for effective date.

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## CHAPTER 550

S.P. 873 - L.D. 2281

### An Act to Grant Municipalities Greater Flexibility in their Arrangements for Tax Base Sharing Agreements

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

**Sec. 1. 30-A MRSA §5752, sub-§3**, as amended by PL 1997, c. 663, §1, is further amended to read:

**3. Administration.** The shared valuation must be assessed in the municipality in which the property is located. It must be taxed at the rate applicable in that municipality. The tax so assessed must be collected by the municipality in which the property is located and the share of that tax, as specified in the tax base sharing agreement, must be remitted within 15 days after collection or within such other period of time as the parties to the tax base sharing agreement specify to the other municipality or municipalities on the basis of the terms of the agreement to which they are parties. The municipality in which the property is located may be authorized by the tax base sharing agreement to make payments due to the other municipality or municipalities that are parties to the agreement to another party or entity. Payments to another party or entity must be for purposes that have a general public benefit.

See title page for effective date.

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## CHAPTER 551

H.P. 1795 - L.D. 2518

### An Act to Amend the Elderly Low-cost Drug Program

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

**Whereas**, Public Law 1999, chapter 401 amended the elderly low-cost drug program and made people that were eligible for the program no longer eligible; and

**Whereas**, it is necessary to pass this Act as an emergency so that people may qualify for the elderly low-cost drug program; 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. 22 MRSA §254, sub-§§9 and 10**, as enacted by PL 1999, c. 401, Pt. KKK, §1 and affected by §10 and c. 531, Pt. F, §2, are amended to read:

**9. Household income.** "Household income," for the purposes of this section, means all income, as defined in Title 36, section 6201, subsection 9, received by all persons of a household in a calendar year while members of the household; ~~and~~

**10. Eligible individuals.** To be eligible for the program, an individual must be:

- A. At least 62 years of age; or
- B. Nineteen years of age or older and determined to be disabled by the standards of the federal social security program; and

**Sec. 2. 22 MRSA §254, sub-§11** is enacted to read:

**11. Retention of eligibility.** A person who was eligible for the program at any time from August 1, 1998 to July 31, 1999 and who does not meet the requirements of subsection 10 retains eligibility for the program until February 28, 2001 if that person is a member of a household of an eligible person.

**Sec. 3. Legislation.** The Joint Standing Committee on Taxation may report out to the Second Regular Session of the 119th Legislature a bill that addresses eligibility for the elderly low-cost drug program beyond February 28, 2001 for persons covered by this Act.

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

Effective March 14, 2000.

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**CHAPTER 552**

**H.P. 332 - L.D. 448**

**An Act Regarding the Maintenance of Private Roads**

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

**Sec. 1. 23 MRSA §3101**, as amended by PL 1997, c. 682, §1, is further amended to read:

**§3101. Call of meetings; repairs**

Except as provided in this section, when 4 or more parcels of land are benefited by a private way or bridge as an appurtenant easement or by fee ownership of the way or bridge, the owners of any 3 or more of the parcels, as long as at least 3 of the parcels are owned by different persons, may make written application to a notary public to call a meeting, who may issue a warrant setting forth the time, place and purpose of the meeting, copies of which must be posted at some public place in the town and mailed to the owners of all the parcels benefited by the way at the addresses set forth in the municipal tax records, at least 30 days before such time. When so assembled, they may choose a commissioner, to be sworn, and they may determine what repairs are necessary and the materials to be furnished or amount of money to be paid by each owner for the repairs and the manner of calling future meetings. This section does not apply to ways constructed or primarily used for commercial or forest management purposes. As used in this section, "repairs" does not include paving, except to repair existing pavement or in locations where limited paving is demonstrated to be a cost-effective approach for fixing an erosion problem.

**Sec. 2. 23 MRSA §3102**, as amended by PL 1997, c. 682, §2, is further amended to read:

**§3102. Commissioner's duties; neglect of owners to pay**

The commissioner chosen under section 3101, with respect to the way or bridge, has the powers of a road commissioner. If any owner, on requirement of the commissioner, neglects to furnish that owner's proportion of labor, materials or money, the same may be furnished by the other owners and recovered of the owner neglecting to pay in a civil action, together with costs of suit and reasonable attorney's fees. The commissioner's apportioning of the cost of repairs to the road undertaken pursuant to the provisions of section 3101 may not exceed 1% of an individual owner's property valuation in any calendar year.

See title page for effective date.

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