

MAINE STATE LEGISLATURE

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(EMERGENCY)
(AFTER DEADLINE)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2657

H.P. 1962 House of Representatives, May 4, 1988
Approved for introduction by a majority of the
Legislative Council pursuant to Joint Rule 27.
Reference to the Committee on Judiciary suggested and
ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative PARADIS of Augusta.
Cosponsored by Senator BRANNIGAN of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **AN ACT Correcting Additional Errors and**
2 **Inconsistencies in the Laws of Maine.**
3

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

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

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

4 Whereas, it is vitally necessary that these
5 uncertainties and this confusion be resolved in order
6 to prevent any injustice or hardship to the citizens
7 of Maine; and

8 Whereas, in the judgment of the Legislature, these
9 facts create an emergency within the meaning of the
10 Constitution of Maine and require the following
11 legislation as immediately necessary for the
12 preservation of the public peace, health and safety;
13 now, therefore,

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

16 Sec. 1. 1 MRSa §71, sub-§7-A, ¶B, as enacted by
17 PL 1987, c. 705, §2, is amended to read:

18 B. In preparing any legislation which amends a
19 section or larger division of the Maine Revised
20 Statutes statutes, the Revisor of Statutes shall
21 be authorized to change any masculine or feminine
22 gender word to a gender-neutral word when it is
23 clear that the statute is not exclusively
24 applicable to members of one sex. The Revisor of
25 Statutes shall not otherwise alter the sense,
26 meaning or effect of any statute.

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

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

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

1 this Act which enacts the Maine Revised Statutes,
2 Title 1, section 71, subsection 7-A, paragraph C,
3 shall take effect 91 days after adjournment.

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

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

9 Sec. 5. 4 MRSA §1057, sub-§2, as enacted by PL
10 1987, c. 339, §3, is amended to read:

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

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

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

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

28 The Committee to Advise the Department of Human
29 Services on AIDS, as established by section 12004,
30 subsection 10, shall consist of not less than 26 27
31 members nor more than 30 31 members to include
32 representation of: One allopathic physician from
33 nominees submitted by the Maine Medical Association;
34 one osteopathic physician from nominees submitted by
35 the Maine Osteopathic Association; one nursing home
36 administrator from nominees submitted by the Maine

1 Health Care Association; one funeral director from
2 nominees submitted by the Maine Funeral Directors
3 Association; one social worker from nominees submitted
4 by the Maine Chapter of the National Association of
5 Social Workers; one public school administrator from a
6 local school district from nominees submitted by the
7 Maine Superintendents Association; one nurse from
8 nominees submitted by the Maine State Nurses
9 Association; one representative from nominees
10 submitted by the Maine Hospice Council; one teacher
11 from nominees submitted by the Maine Teachers
12 Association; 3 members of the high risk community one
13 of whom must be a person afflicted with hemophilia;
14 one insurance industry representative; one employee of
15 a community mental health center; one dentist from
16 nominees submitted by the Maine Dental Association;
17 one state employee from nominees submitted by the
18 Maine State Employees Association; 2 members of the
19 public, including one parent of a school-age child;
20 the Commissioner of Human Services or his designee who
21 shall serve during the commissioner's term of office;
22 one psychologist from nominees submitted by the Maine
23 Psychological Association; one state employee from
24 nominees submitted by the American Federation of
25 State, County and Municipal Employees; one member
26 representing hospitals from nominees submitted by the
27 Maine Hospital Association; one member representing
28 public health professionals from nominees submitted by
29 the Maine Public Health Association; one
30 representative of a nonprofit hospital or medical
31 service organization; one substance abuse counselor;
32 one member of the clergy; and 2 Legislators, one
33 member of the House of Representatives appointed by
34 the Speaker of the House and one Senator appointed by
35 the President of the Senate. The members, except for
36 those specifically designated in this paragraph, shall
37 be appointed by the Governor for their competence and
38 experience in connection with these fields.

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

43 **Sec. 9. 7 MRS §44, first ¶, as enacted by PL**

1 1987, c. 650, is amended to read:

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

7 Sec. 10. 7 MRSA §44, sub-§3, as enacted by PL
8 1987, c. 650, is amended to read:

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

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

15 §8603. Annual timber-cut report

16 Owners or operators of all primary wood-using
17 sawmills and primary processors of veneer wood,
18 cordwood, boltwood, pulpwood, posts, poles, piling,
19 fence rails and commercial processors of fuel wood who
20 annually process more than 20 cords, except for
21 domestic use and not for sale or conversion into
22 products for sale, shall render an annual report to
23 the director during the month of January of each year
24 of the amount of softwoods and hardwoods processed by
25 species within the State by them during the preceding
26 calendar year and showing the county or counties from
27 which the wood was taken. Persons transporting
28 roundwood out of State for the same purposes shall
29 render the same report. Forms for this report shall
30 be provided by the director. Information contained in
31 the reports shall not be made public by reference to
32 individuals.

33 Sec. 12. 14 MRSA §3143, 2nd ¶, as enacted by PL
34 1987, c. 414, §2, is amended to read:

35 The notice shall advise the person that he was
36 summoned or ordered to answer for a civil violation or
37 a traffic infraction and failed to appear on the date

1 directed. The notice shall set a new date and time
2 for the person's appearance to answer the civil
3 violation or traffic infraction and shall inform the
4 person that failure to appear on this occasion will
5 result in the adjudication of the person having
6 committed the offense and the imposition of a fine
7 penalty as provided by law. Notice under this section
8 shall be complete upon mailing.

9 **Sec. 13.** 14 MRSA §3143, 3rd ¶, as amended by PL
10 1987, c. 708, §13, is further amended to read:

11 Notwithstanding the Maine Rules of Civil
12 Procedure, Rule 55, or the Maine District Court
13 Rules of Civil Procedure, Rule 55, if a person who
14 has been summoned or ordered to answer for a civil
15 violation or a traffic infraction fails to appear, has
16 been mailed notice as provided in this section and
17 thereafter again fails to appear, the court, on its
18 own motion, shall adjudicate the defendant to have
19 committed the offense and shall impose a fine
20 penalty as provided by law. In the case of an
21 adjudication for a traffic infraction, the court shall
22 immediately suspend the defendant's license or permit
23 to operate motor vehicles in this State or the right
24 to apply for or obtain a license or permit to operate
25 motor vehicles in this State, in accordance with Title
26 29, section 2301-A. Relief from a default judgment
27 entered pursuant to this section may be addressed to
28 the court and may be granted in the court's discretion
29 upon a finding that it will further the interest of
30 justice.

31 **Sec. 14.** Effective date. Those sections of
32 this Act which amend the Maine Revised Statutes, Title
33 14, section 3143, shall take effect 90 days after
34 adjournment.

35 **Sec. 15.** 17-A MRSA §1304, sub-§1, as amended by
36 PL 1987, c. 763, Pt. B, §4, is further amended to read:

37 1. When a convicted person sentenced to pay a
38 fine defaults in the payment of the fine or of any
39 installment, the court, upon the motion of the
40 official to whom the money is payable, as provided in

1 section 1303, or upon its own motion, may require
2 that person to show cause why that person should not
3 be committed to the custody of the sheriff for
4 nonpayment and may issue a summons or a warrant of
5 arrest for that person's appearance. Unless such
6 person shows that the default was not attributable to
7 a willful refusal to obey the order of the court or to
8 a failure on that person's part to make a good faith
9 effort to obtain the funds required for the payment,
10 the court shall find that the default was unexcused
11 and may ~~him~~ commit that person to the custody of
12 the sheriff until the fine or a specified part of the
13 fine is paid. The length of incarceration for such
14 unexcused nonpayment of the fine shall be specified in
15 the court's order and shall not exceed one day for
16 each \$5 of the fine or 6 months, whichever is the
17 shorter. When a fine is imposed on an organization,
18 it is the duty of the person or persons authorized to
19 make disbursements from the assets of the organization
20 to pay it from such assets and failure so to do may
21 subject every such person to court action pursuant to
22 this section. A person committed for nonpayment of a
23 fine shall be given credit towards its payment for
24 each day after commitment that the person is in
25 custody, at the rate specified in the court's order.
26 The person shall also be given credit for each day
27 that the person has been detained as a result of an
28 arrest warrant issued pursuant to this section.

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

31 10. Special education tuition and cost for
32 out-of-district placement adjustment. The following
33 provisions shall apply to payment of tuition,
34 treatment and room and board costs for
35 out-of-district placements. Based on the costs
36 under section ~~15605~~, subsection 2, paragraph E
37 section 15603, subsection 22, paragraph B, the State
38 shall annually pay each local unit a per pupil
39 adjustment determined by dividing the amount of funds
40 made available to the department for carrying out the
41 purposes of this Act by the number of children in
42 out-of-district placements. The local school
43 administrative unit shall pay the balance. This

1 program shall be phased in based on the annual
2 appropriation for this purpose.

3 **Sec. 17. Effective date.** That section of this
4 Act which amends the Maine Revised Statutes, Title
5 20-A, section 15612, subsection 10, shall take effect
6 July 1, 1989.

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

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

17 **Sec. 19. 26 MRSA §844, sub-§1,** as enacted by PL
18 1987, c. 661, is amended to read:

19 1. Family medical leave entitlement. Every
20 employee who has been employed by the same employer
21 for 12 consecutive months is entitled to up to 8
22 consecutive work weeks of family medical leave in any
23 2 years unless employed at a permanent work site with
24 fewer than 25 employees. The following conditions
25 apply to family medical leave granted under this
26 subchapter:

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

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

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

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

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

7 6-C. Prohibition against disqualification of
8 individuals in approved training the Strategic
9 Training for Accelerated Reemployment Program.
10 Notwithstanding any provisions of this chapter, the
11 acceptance of training for opportunities available
12 under section 2015-A is deemed to be acceptance of
13 training with state approval under federal or state
14 law relating to unemployment benefits.

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

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

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

36 A. All determinations under this section shall be
37 made promptly in writing. A claimant who is
38 aggrieved by any decision or action made under
39 this subchapter section may appeal to the

1 commissioner pursuant to the Maine Administrative
2 Procedure Act, Title 5, chapter 375. This does
3 not-apply-to-subsection-57-paragraph-A7

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

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

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

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

28 2. Duty to submit to test. Any person who
29 operates or attempts to operate a motor vehicle within
30 this State, during the period of a conditional
31 license, shall have the duty to submit to a test to
32 determine the blood-alcohol level by analysis of that
33 person's blood or breath, if there is probable cause
34 to believe he operated or attempted to operate a motor
35 vehicle while having 0.05% or more by weight of
36 alcohol in the blood. Section 1312 shall apply,
37 except that in all cases probable cause shall be to
38 believe that the person was operating or attempting to
39 operate a motor vehicle while having 0.05% or more by

1 weight of alcohol in the blood and that the person has
2 been ~~so~~ convicted of an offense which makes the
3 operator's license, permit or right to operate a
4 conditional one, and except that suspension for
5 failing to comply with the duty to submit to the test
6 shall be for a period of not less than 2 years.

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

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

13 3. Failure to conform. The failure of any private
14 employer not exempt under subsection 1 or of any
15 governmental body, as defined in subsection 2, to
16 procure insurance coverage for the payment of
17 compensation pursuant to sections 22 to 27 shall
18 constitute failure to secure payment of compensation
19 provided for by this Act within the meaning of section
20 104-A, subsection 2 subsection 2-B, and shall
21 subject the employer to the penalties prescribed by
22 that section. For purposes of this subsection, the
23 term "insurance coverage" includes authorization by
24 the Superintendent of Insurance to self-insure.

25 **Sec. 29. 39 MRSA §23, first ¶,** as amended by PL
26 1987, c. 77, §4, is further amended to read:

27 Every employer subject to this Act shall secure
28 compensation and other benefits to his employees in
29 one or more of the ways described in this section.
30 The failure of any employer subject to this Act to
31 procure insurance coverage for the payment of
32 compensation and other benefits to his employees in
33 some one of the ways described in this section shall
34 constitute failure to secure payment of compensation
35 provided for by this Act within the meaning of section
36 104-A, subsection 2 subsection 2-B, and shall
37 subject the employer to the penalties prescribed by
38 that section.

39 **Sec. 30. 39 MRSA §58-A, sub-§1,** as repealed and

1 replaced by PL 1985, c. 601, §3, is repealed.

2 **Sec. 31.** 39 MRSA §67, as amended by PL 1985, c.
3 652, §54, is further amended to read:

4 §67. Invalidation of waiver of rights; claims not
5 assignable

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

15 **Sec. 32.** 39 MRSA §87, sub-§5, as enacted by PL
16 1985, c. 372, Pt. A, §29, is amended to read:

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

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

28 **Sec. 54. Applicability.** Sections 15, 17 to 19,
29 21 to 38 and 41 to 43 of Part B of this Act apply only
30 to injuries occurring on or after the effective date
31 of this Act. Section 14 of Part B of this Act applies
32 only to injuries occurring on or after July 1, 1989.

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

35 **Sec. 3.** 34-A MRSA §3003, sub-§1, ¶D is enacted

1 to read:

2 **Sec. 35.** Effective date. That section of this
3 Act which amends Public Law 1987, chapter 633, section
4 3, the first 2 lines, shall take effect 90 days after
5 adjournment.

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

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

11 2. **Penalties.** The offense defined in subsection
12 1 is a Class D crime, provided that in. In the
13 determination of an appropriate sentence, refusal to
14 submit to a chemical test shall in every case be an
15 aggravating factor. In the following cases the
16 following minimum penalties shall apply.

17 A. Except as provided in paragraph B, in the case
18 of a person having no previous convictions of a
19 violation of former section 1312, subsection 10,
20 former section 1312-B or this section and having
21 no previous suspension of license or privilege to
22 operate for failure to comply with the duty to
23 submit to and complete a test to determine the
24 level of blood-alcohol under section 1312 within a
25 6-year period, the fine shall not be less than
26 \$300 and the court shall suspend the defendant's
27 license or permit to operate, right to operate a
28 motor vehicle and right to apply for and obtain a
29 license for a period of 90 days, which penalties
30 may not be suspended.

31 B. In the case of a person having no previous
32 convictions of a violation of former section 1312,
33 subsection 10, former section 1312-B, or this
34 section and having no previous suspension of
35 license or privilege to operate for failure to
36 comply with the duty to submit to and complete a
37 test to determine the level of blood-alcohol under
38 section 1312 within a 6-year period, the fine
39 shall not be less than \$300, the sentence shall
40 include a period of incarceration of not less than

1 48 hours and the court shall suspend the
2 defendant's license or permit to operate, right to
3 operate a motor vehicle and right to apply for and
4 obtain a license for a period of 90 days, which
5 penalties may not be suspended, when the person:

6 (1) Was tested as having a blood-alcohol
7 level of 0.15% or more;

8 (2) Was driving in excess of the speed limit
9 by 30 miles an hour or more during the
10 operation which resulted in the prosecution
11 for operating under the influence or with a
12 blood-alcohol level of ~~0.10%~~ 0.08% or
13 more; or

14 (3) Eluded or attempted to elude an officer,
15 as defined in section 2501-A, subsection 3,
16 during the operation which resulted in
17 prosecution for operating under the influence
18 or with a blood-alcohol level of ~~0.10%~~
19 0.08% or more; or

20 (4) Failed to submit to a chemical test for
21 the determination of that person's blood-
22 alcohol level, at the request of a law
23 enforcement officer on the occasion which
24 resulted in the conviction.

25 C. In the case of a person having one previous
26 conviction of a violation of former section 1312,
27 subsection 10, former section 1312-B or this
28 section, or having at least one previous
29 suspension for failure to comply with the duty to
30 submit to and complete a test to determine the
31 level of blood-alcohol under section 1312 within a
32 6-year period, the fine shall not be less than
33 \$500, the sentence shall include a period of
34 incarceration of not less than 7 days and the
35 court shall suspend the defendant's license or
36 permit to operate, right to operate a motor
37 vehicle and right to apply for and obtain a
38 license for a period of one year, which penalties
39 may not be suspended.

1 D. In the case of a person having 2 or more
2 previous convictions of violations of former
3 section 1312, subsection 10, former section 1312-B
4 or this section, within a 6-year period, the fine
5 shall not be less than \$750, the sentence shall
6 include a period of incarceration of not less than
7 30 days and the court shall suspend the
8 defendant's license or permit to operate, right to
9 operate a motor vehicle and right to apply for and
10 obtain a license for a period of 2 years, which
11 penalties may not be suspended.

12 D-1. In addition to the penalties provided under
13 paragraphs C and D, the court shall order the
14 defendant to participate in the alcohol and other
15 drug education, evaluation and treatment program
16 for multiple offenders administered by the
17 Department of Human Services, as defined in Title
18 22, chapter 1602. The court may waive the
19 multiple offender intervention program under Title
20 22, section 7203, subsection 3, paragraph A, if
21 the court finds that the defendant has completed a
22 residential treatment program, or its equivalent,
23 subsequent to the date of the offense.

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

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

1 G. For the purposes of this section, a previous
2 suspension of license of privilege for failure to
3 comply with the duty to submit to and complete a
4 test to determine the level of blood alcohol under
5 section 1312 has occurred within the 6-year period
6 if the date of the suspension is 6 years or less
7 from the date of the new conduct which is
8 penalized or for which the penalty is or may be
9 enhanced.

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

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

15 1988-89

16 HUMAN SERVICES, DEPARTMENT OF

17 Medical Care - Payments to Providers

18	All Other	\$199,320
19		<u>\$99,320</u>
20	Provides funds for the	
21	State's share of	
22	Medicaid's portion of	
23	additional hospital	
24	cost to implement this	
25	Act.	

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

29 1988-89

30 HUMAN SERVICES, DEPARTMENT OF

31 Medical Care - Payments to Providers

32	All Other	\$400,680
33		<u>\$199,633</u>
34	Allocates federal	

1 matching funds.

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

6 Aid to Families with Dependent
7 Children

8 All Other \$215,000

9 Provides funds for
10 \$198 maximum monthly
11 benefit amount
12 benefits to first
13 time first-time
14 pregnant teenagers
15 women in the last
16 trimester of pregnancy.

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

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

20 Sec. 1. 36 MRSA §578, sub-§1, as amended by PL
21 1981, c. 706, §7, is further amended to read:

22 1. Organized areas. The municipal assessors or
23 chief assessor of a primary assessing area shall
24 adjust the State Tax Assessor's 100% valuation per
25 acre for each forest type of their county by whatever
26 ratio, or percentage of current just value, is then
27 being applied to other property within the
28 municipality to obtain the assessed values. Forest
29 land in the organized areas, subject to taxation under
30 this subchapter, shall be taxed as the property tax
31 rate applicable to other property in the municipality,
32 which rate shall be applied to the assessed values so
33 determined. For any tax year in which a
34 municipality has a situation where the aggregate tax
35 assessed on lands classified under this subchapter is
36 less than 90% of the aggregate tax assessed on the
37 same lands in 1972, the municipality shall have a
38 ~~valid-claim-against-the-State-to-recover-the-taxes-~~

1 lost to the extent that such loss exceeds a 10% loss
2 from 1972, upon proof of the facts in form
3 satisfactory-to-the-State-Tax-Assessor;

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

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

40 For the tax years beginning on or after January 1,
41 1978, a municipality's annual payment shall be the
42 greater of either an amount computed as provided in
43 the-previous-paragraph-or-the-product-of-multiplying-

1 the number of acres in the municipality which are
2 classified and taxed in accordance with this
3 subchapter-by-15¢.

4 For those municipalities where the annual payment
5 amount is determined by the product of multiplying the
6 number of acres which are classified and taxed in
7 accordance with this subchapter by 15¢ the Treasurer
8 of State shall pay to the municipality by December
9 15th of that year the amount certified by the State
10 Tax-Assessor.

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

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

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

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

1 must, by law, have a board of appeals.

2 Section 11 makes the reporting requirements
3 consistent for wood that is processed in this State
4 with wood that is transported out of this State.

5 Sections 12 and 13 delete a reference to the Maine
6 District Court Rules of Civil Procedure, which no
7 longer exist, and correct an improper direction to the
8 District Court to impose a fine upon persons who
9 receive a default judgment for failure to appear in
10 court. Some civil violations and traffic infractions
11 are not punishable by a fine, but may be punishable
12 only by a license suspension or other action. Present
13 law requires the court to impose a sanction which it
14 has no authority to impose in some instances. The
15 bill corrects this situation by simply requiring the
16 court to impose a "penalty as authorized by law."

17 Section 15 corrects a technical error which
18 occurred in the printing of the first errors bill of
19 this legislative session.

20 Section 16 corrects a section reference and
21 clarifies legislative intent.

22 Section 17 provides a necessary delayed effective
23 date for section 16.

24 Section 18 corrects a technical error regarding
25 registration information required from out-of-state
26 drug manufacturers.

27 Section 19 clarifies the intent of the Senate
28 amendment to the original bill which exempted
29 employers with 25 employees at one location.

30 Section 20 provides the appropriate effective date
31 for section 19.

32 Sections 21 to 23 clarify 3 provisions in the
33 recently enacted STAR legislation. Section 21 makes
34 clear that training provided under the Strategic
35 Training for Accelerated Reemployment Program will be

1 considered approved training for the purpose of
2 federal or state law related to unemployment
3 compensation benefits. Section 22 removes repetitive
4 language in the Maine Revised Statutes, Title 26,
5 section 2015-A, subsection 5, paragraph A, related to
6 the commissioner's responsibility to establish
7 standards for determining good cause. Section 23
8 repeals contradictory language related to an
9 individual's right to appeal determinations made under
10 the Strategic Training for Accelerated Reemployment
11 Program and establishes a single structure for
12 administrative appeals of those determinations.

13 Section 24 changes the placement of a clause and
14 adds a verb omitted from a provision which requires
15 the issuance of a conditional license only for a
16 certain period after a driver has been convicted for
17 operating under the influence.

18 Section 25 provides a necessary delayed effective
19 date for section 24.

20 Section 26 clarifies a driver's obligation to
21 submit to a blood-alcohol level test to determine if
22 he was operating a motor vehicle with a blood-alcohol
23 level of 0.05% or more while under a conditional
24 license because of a previous conviction for operating
25 under the influence.

26 Section 27 provides a necessary delayed effective
27 date for section 26.

28 Section 28 corrects a statutory cross-reference.

29 Section 29 corrects a statutory cross-reference.

30 Section 30 deletes a provision concerning
31 sheltered workshops, which was deleted from Public Law
32 1987, c. 559, Part B, section 26, but was not deleted
33 from Title 39, section 58-A.

34 Section 31 corrects a reference to the Director of
35 the Bureau of Labor, replacing it with a reference to
36 the Commissioner of Labor.

37 Section 32 corrects a statutory cross-reference.

1 Section 33 clarifies that the calculation of the
2 average weekly wage for seasonal workers is to be
3 applied only to persons who are injured on or after
4 July 1, 1989.

5 Section 34 makes a technical correction to an
6 amending clause.

7 Section 35 provides the appropriate effective date
8 for section 34.

9 Section 36 reenacts a provision of the Operating
10 Under the Influence Law which was inadvertently
11 repealed. The change occurs by reenacting Public Law
12 1987, chapter 791, section 19, so that the Maine
13 Revised Statutes, Title 29, section 1312-B, subsection
14 2, paragraph D-1 is not repealed.

15 Section 37 reduces the appropriation and
16 allocation based on a revised estimate of additional
17 costs to hospitals. These revisions were intended to
18 be made by an amendment inadvertently not introduced
19 when the bill making these appropriations and
20 allocations was enacted.

21 These revisions alter the fiscal impact stated in
22 the fiscal note to Public Law 1987, chapter 811. The
23 new fiscal note should read:

24 FISCAL NOTE

25 Medicaid's share of the total statewide hospital
26 costs is 12% of \$300,000 in fiscal year 1988-89.

27 Section 38 makes changes necessary to avoid a
28 conflict with ASPIRE enabling legislation.

29 Section 39 removes an appropriation and an
30 allocation already provided for by another law.

1 Sections 40 and 41 correct errors in the
2 implementation of the phase in schedule for
3 reimbursement and improve the administration of the
4 Maine Tree Growth Tax Law.

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