

# MAINE STATE LEGISLATURE

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DATE: 6-20-91

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
118TH LEGISLATURE  
FIRST SPECIAL SESSION

HOUSE AMENDMENT "D" to S.P. 678, L.D. 1902, Bill, "An Act to Amend the Filing Date Provision in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Correct Certain Provisions in Recently Enacted Legislation"

Amend the bill by striking out the title and substituting the following:

'An Act to Amend the Filing Date Provisions in the Maine Residents Property Tax Program, to Provide an Application Clause for Certain Provisions of Law Relating to Computer Software, to Clarify Provisions of Law Regarding Transfers of Money from the Tax Relief Fund for Maine Residents to the General Fund and to Change Other Provisions of Law'

Further amend the bill by inserting before the emergency clause the following:

PART E

Sec. E-1. 20-A MRSA §15905, sub-§1, ¶A, as repealed and replaced by PL 1997, c. 469, §2, is repealed and the following enacted in its place:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

HOUSE AMENDMENT

Table 1

<u>Fiscal year</u>	<u>Maximum Debt Service Limit</u>
1990	\$ 48,000,000
1991	\$ 57,000,000
1992	\$ 65,000,000
1993	\$ 67,000,000
1994	\$ 67,000,000
1995	\$ 67,000,000
1996	\$ 67,000,000
1997	\$ 67,000,000
1998	\$ 67,000,000
1999	\$ 72,000,000
2000	\$ 72,000,000
2001	\$ 74,000,000

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

1998-99

**EDUCATION, DEPARTMENT OF**

**General Purpose Aid for Local Schools**

All Other \$2,100,000

Provides funds for the estimated state share of debt service costs from increasing the school construction debt service limit.

**PART F**

**Sec. F-1. 28-A MRSA §201,** as amended by PL 1997, c. 373, §37, is further amended to read:

**§201. Erection of guideposts**

In order to increase state revenues and to attract more of the tourist trade to the state discount liquor ~~store~~ stores in Kittery and in Calais, the Maine Turnpike Authority shall erect and maintain a guidepost no more than one mile north of the York toll station on the southbound side of the Maine Turnpike for the state discount liquor store in Kittery and the Department of Transportation shall erect and maintain guideposts at appropriate locations on Route 1 and Route 9 for the state discount liquor

store in Calais. The guidepost shall for the Kittery store must be worded as follows:

DISCOUNT LIQUOR STORE -- KITTERY  
YORK EXIT -- U.S. ROUTE 1 SOUTH

The guideposts on Route 1 and Route 9 for the Calais store must be worded as follows:

DISCOUNT LIQUOR STORE -- CALAIS

The alcohol bureau shall compensate the Maine Turnpike Authority and the Department of Transportation for the full cost of erecting the guideposts those guideposts.

Sec. F-2. 28-A MRSA §403, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

2. Location. One store must be located to be convenient to the southbound lanes of the Maine Turnpike near Exit 1 of the Maine Turnpike. One store must be located in Calais.

Sec. F-3. Study commission established. The Commissioner of Administrative and Financial Services shall establish a study commission to explore the feasibility and benefits of locating a discount state liquor store in Fort Kent. The study commission must include 2 business people from Fort Kent, appointed by the Director of Alcoholic Beverages and Lottery Operations; one Legislator appointed jointly by the President of the Senate and the Speaker of the House; and 2 people appointed by the commissioner. The meetings of the study commission must be held in Fort Kent. All appointments to the study commission must be completed within 15 days after the effective date of this Act. After the completion of all appointments, the commissioner shall convene the first meeting of the study commission within 30 days after the effective date of this Act. The members of the study commission shall select a chair from among its members. The study commission shall present its findings to the Joint Standing Committee on Legal and Veterans' Affairs by January 1, 1998.

PART G

Sec. G-1. 4 MRSA §173, sub-§4, as amended by PL 1993, c. 675, Pt. B, §9, is further amended to read:

4. Distribution of fees and fines. All law enforcement officers appearing for a scheduled trial in District Court at times other than their regular working hours, at the order of a prosecuting official and whether or not they are called upon to

R. of S.

2 give testimony, must be compensated out of the General Fund at  
the rate of ~~\$10~~ \$30 for each day or part of a day that the  
officer is required to be physically present.

4  
6 The court officer required to be present at an arraignment may be  
an officer other than the arresting officer, provided that the  
municipality or county has designated the officer to handle the  
8 arraignment ~~easelead~~ case load of that municipality or county.  
In addition, one or more municipalities or counties may designate  
10 either a municipal law enforcement officer or a county law  
enforcement officer to represent the municipalities or counties  
12 at arraignments on a rotating schedule.

14 The court shall pay any municipality or county a flat fee of \$10  
16 ~~\$30~~ for each day or part of a day that a municipal law  
enforcement officer, designated by the municipality as its court  
officer, or a county law enforcement officer, designated by the  
18 county as its court officer, is required to be physically present  
in a District Court in order to adequately handle that  
20 municipality's ~~easelead~~ or county's case load. In addition, the  
court shall pay any municipality or county a flat fee of \$10 ~~\$30~~  
22 per day for every day or part of a day, but no more than ~~\$10~~ \$30  
for any one day, the municipality or county loses the services of  
24 one or more law enforcement officers because the officer or  
officers are performing some act authorized or required by the  
26 Maine Rules of Criminal Procedure or are witnesses in a criminal  
or traffic infraction case within the jurisdiction of the  
28 District Court. A municipality or county is considered to have  
lost the services of a law enforcement officer when the officer,  
30 who normally performs duties of patrolling or maintaining order,  
is physically unable to perform those duties of patrolling and  
32 maintaining order for the municipality or county.

34 The sheriffs of the several counties shall designate and furnish  
deputy sheriffs to serve as bailiffs in each division of the  
36 District Court within their counties, if so requested by the  
Chief Judge. A deputy sheriff designated as bailiff must be  
38 approved by the Chief Judge and may not serve as a court officer  
for any law enforcement agency.

40 Compensation for reasonable and necessary expenses, as agreed to  
42 by the parties, must be paid by the District Court.

44 In those municipalities where a police officer has been furnished  
to serve as a bailiff, the Chief Judge may continue to authorize  
46 the use of a police officer as a bailiff and the municipality  
must be compensated by the District Court. A person new appointed  
48 to serve as bailiff may not serve as court officer for a  
municipal police department, as provided in this subsection.

50

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

	1997-98	1998-99
<b>JUDICIAL DEPARTMENT</b>		
<b>Courts - Supreme, Superior, District, and Administrative</b>		
All Other	\$210,980	\$210,980
Provides funds to increase the reimbursement for county and municipal law enforcement officers for court officer services or for serving as witnesses.		

**PART H**

Sec. H-1. 36 MRSA §1760, sub-§26, as amended by PL 1971, c. 604, is further amended to read:

26. Nonprofit fire departments and nonprofit ambulance services. Sales to incorporated ~~volunteer~~ nonprofit fire departments and to incorporated ~~volunteer~~ nonprofit ambulance ~~serps~~ services.

Sec. H-2. Application date. This Part applies to transactions occurring on or after October 1, 1997.

**PART I**

Sec. I-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1997-98	1998-99
<b>ATTORNEY GENERAL, DEPARTMENT OF THE</b>		
<b>Elder Abuse and Fraud Unit</b>		
Positions - Legislative Count	(2,000)	(2,000)
Personal Services	\$63,033	\$87,427
All Other	4,500	6,000

HOUSE AMENDMENT "D" to S.P. 678, L.D. 1902

2 Provides funds for one  
 3 Assistant Attorney General  
 4 position and one Special  
 5 Investigator position and  
 6 related costs for  
 7 investigating and prosecuting  
 8 elder abuse and fraud.

10 **DEPARTMENT OF THE  
 ATTORNEY GENERAL  
 TOTAL**

\$67,533	\$93,427
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12 **PART J**

14 **Sec. J-1. Appropriation.** The following funds are appropriated  
 16 from the General Fund to carry out the purposes of this Part.

	<b>1997-98</b>	<b>1998-99</b>
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20 **LABOR, DEPARTMENT OF**

22 **Bureau of Rehabilitation**

24 All Other	\$36,000	\$36,000
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26 Provides funds to support  
 27 advocacy and case management  
 28 services at the Maine Center  
 29 on Deafness.

32 **PART K**

34 **Sec. K-1. Appropriation.** The following funds are appropriated  
 36 from the General Fund to carry out the purposes of this Part.

	<b>1997-98</b>	<b>1998-99</b>
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38 **ATTORNEY GENERAL,  
 40 DEPARTMENT OF THE**

42 **Administration - Attorney General**

44 Positions - Legislative Count	(2,000)	(2,000)
45 Personal Services	\$78,134	\$81,482
46 All Other	11,000	7,000

48

# HOUSE AMENDMENT

HOUSE AMENDMENT "D" to S.P. 678, L.D. 1902

2 Provides funds to establish  
for fiscal years 1997-98 and  
4 1998-99 one Assistant  
Attorney General position and  
6 one Research Assistant  
position for legal services  
related to recoveries  
8 attributed to tobacco use.

10 DEPARTMENT OF THE ATTORNEY  
GENERAL

12 TOTAL \$89,134 \$88,482

14 PART L

16 Sec. L-1. Appropriation. The following funds are appropriated  
18 from the General Fund to carry out the purposes of this Part.

20 1997-98 1998-99

22 MENTAL HEALTH, MENTAL  
RETARDATION AND SUBSTANCE ABUSE  
24 SERVICES, DEPARTMENT OF

26 Medicaid Services - Mental Retardation

28 All Other \$320,000 \$800,000

30 Provides funds for day  
services for people with  
32 mental retardation who are  
not class members.

34  
36 Mental Retardation  
Services - Community

38 All Other 80,000 200,000

40 Provides funds for day  
services for people with  
42 mental retardation who are  
not class members.

44  
46 DEPARTMENT OF MENTAL HEALTH,  
MENTAL RETARDATION AND SUBSTANCE  
ABUSE SERVICES

48 TOTAL \$400,000 \$1,000,000

HOUSE AMENDMENT



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**PART M**

**Sec. M-1. 36 MRSA §4641-B, next to last ¶, as amended by PL 1997, c. 24, Pt. C, §7, is further amended to read:**

The State Tax Assessor shall pay all net receipts to the Treasurer of State, who shall credit  $\frac{3}{4}$   $\frac{1}{2}$  of the revenue to the General Fund and who shall monthly pay the remaining  $\frac{1}{4}$   $\frac{1}{2}$  to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853.

**Sec. M-2. Effective date.** Section 1 of this Part takes effect July 1, 1999.

**PART N**

**Sec. N-1. 22 MRSA §663-A, is enacted to read:**

**§663-A. Provision of information**

All personnel employed by the State, or under contract with the State, who are involved in the monitoring, inspection or licensing of nuclear power plants shall provide information or assistance to the Legislature, including any committee or commission established by the Legislature, upon request.

**PART O**

**Sec. O-1. 36 MRSA §653, sub-§1, ¶C, as amended by PL 1995, c. 368, Pt. CCC, §1 and affected by §11, is further amended to read:**

C. The estates up to the just value of \$5,000, having a taxable situs in the place of residence, of veterans who served in the Armed Forces of the United States:

(1) During any federally recognized war period, including the Korean Campaign, the Vietnam War and the Persian Gulf War, beginning in the year when they have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or nonservice-connected, as a veteran. A veteran of the Vietnam War must have served on active duty for a period of more than 180 days, any part of which occurred after August-4,--1964 February

2            27, 1961 and before May 7, 1975, unless the veteran  
 3 died in service or was discharged for a  
 4 service-connected disability after that date. "Vietnam  
 5 War" means the period between ~~August-5,--1964~~ February  
 6 28, 1961 and May 7, 1975. "Persian Gulf War" means  
 7 service on active duty between August 7, 1990 and April  
 8 11, 1991; or

9  
 10            (2) Who are disabled by injury or disease incurred or  
 11 aggravated during active military service in the line  
 12 of duty and are receiving any form of pension or  
 13 compensation from the United States Government for  
 14 total, service-connected disability.

15            The exemptions provided in this paragraph apply to the  
 16 property of that veteran, including property held in joint  
 17 tenancy with that veteran's spouse or held in a revocable  
 18 living trust for the benefit of that veteran.

## 20            PART P

21            **Sec. P-1. Transfer of funds.** Notwithstanding the Maine Revised  
 22 Statutes, Title 5, section 1518, the State Controller shall  
 23 transfer from the Tax Relief Fund for Maine Residents to the  
 24 General Fund \$1,000,422 in fiscal year 1997-98 and \$3,783,305 in  
 25 fiscal year 1998-99 associated with the General Fund  
 26 appropriations in Parts E, G, I, J, K and L and to offset the  
 27 General Fund revenue loss associated with Parts F and H.

28  
 29            **Sec. P-2. Contingent effective date.** Parts E, F, G, H, I, J, K  
 30 and L take effect only if the State Controller certifies that the  
 31 transfer to the Tax Relief Fund for Maine Residents at the end of  
 32 fiscal year 1996-97 is sufficient to make the allocations and  
 33 transfers required by Public Law 1997, chapter 557 and the  
 34 transfers required by this Act.'

35  
 36            Further amend the bill by inserting at the end before the  
 37 summary the following:  
 38

## 40            FISCAL NOTE

41  
 42            The Department of Education will require a General Fund  
 43 appropriation of \$2,100,000 in fiscal year 1998-99 for the  
 44 estimated state share of debt service costs related to increasing  
 45 the school construction debt service limit to \$72,000,000.

46  
 47            Opening a discount state liquor store in Calais will result  
 48 in a loss of General Fund revenue estimated to be \$168,750 in  
 49 fiscal year 1997-98 and \$225,000 in fiscal year 1998-99 from a  
 50

## HOUSE AMENDMENT "D" to S.P. 678, L.D. 1902

2 reduced profit margin on existing sales shifted from the state  
liquor store and agency stores in that area. This revenue loss  
4 may be partially offset by additional sales. The amount of any  
additional sales can not be estimated.

6 The Department of Administrative and Financial Services will  
incur some minor additional costs for the miscellaneous expenses  
8 of a study commission to explore the feasibility of locating a  
discount state liquor store in Fort Kent. These costs can be  
10 absorbed by the department utilizing existing budgeted resources.

12 Restoring to 1/2 the percentage of revenue from net receipts  
that must be paid into the Housing Opportunities for Maine Fund  
14 effective July 1, 1999 will reduce General Fund revenue by  
approximately \$2,500,000 annually beginning in fiscal year  
16 1999-2000.

18 The bill expands the property tax exemption for certain  
veterans. Pursuant to the Constitution of Maine, the State is  
20 required to reimburse municipalities for 50% of the lost property  
tax revenue due to new or expanded exemptions. Additional  
22 General Fund appropriations of \$28,560 annually will be required  
beginning in fiscal year 1999-2000 for the reimbursements due to  
24 the change in the year in which a veteran reaches the age of 62.  
Another \$21,250 will be required, also in fiscal year 1999-2000,  
26 for the reimbursements due to the change in the beginning date of  
the Vietnam War.

28 The Bureau of Taxation will incur some minor additional  
30 costs to administer and audit additional claims for reimbursement  
beginning in fiscal year 1999-2000. These costs can be absorbed  
32 within the bureau's existing budgeted resources.

34 The bill includes additional General Fund appropriations of  
\$210,980 in fiscal year 1997-98 and \$210,980 in fiscal year  
36 1998-99 to the Judicial Department to increase the reimbursement  
for law enforcement officers from \$10 per day to \$30 per day for  
38 serving as court officers or as witnesses. The estimated costs  
for increasing the fee to \$30 per day for court officer services  
40 are \$160,980 annually. The estimated costs associated with the  
witness fees may range between \$50,000 to \$150,000 annually. The  
42 General Fund appropriation amounts include only the minimum  
amounts in this estimated range for witness services.

44 The additional sales tax exemption for nonprofit ambulance  
46 and fire emergency services will decrease General Fund revenue by  
\$28,025 in fiscal year 1997-98 and \$29,416 in fiscal year  
48 1998-99. The corresponding decreases in dedicated revenue to the  
Local Government Fund for state-municipal revenue sharing will be  
50 \$1,506 and \$1,566, respectively.

## HOUSE AMENDMENT "D" to S.P. 678, L.D. 1902

2 The additional costs associated with notifying affected  
3 retailers can be absorbed by the Bureau of Taxation utilizing  
4 existing budgeted resources.

6 The bill includes General Fund appropriations of \$67,533 and  
7 \$93,427 in fiscal years 1997-98 and 1998-99, respectively, to  
8 establish the Elder Abuse and Fraud Unit within the Department of  
9 the Attorney General.

10 The bill provides General Fund appropriations of \$36,000 in  
11 each of fiscal years 1997-98 and 1998-99 to the Bureau of  
12 Rehabilitation within the Department of Labor to support advocacy  
13 and case management services at the Maine Center on Deafness.

16 The Department of the Attorney General will be provided  
17 additional General Fund appropriations of \$89,134 and \$88,482 in  
18 fiscal years 1997-98 and 1998-99, respectively, for the salary,  
19 benefit and overhead costs of one Assistant Attorney General  
20 position and one Research Assistant position for legal services  
21 related to recoveries attributed to tobacco use.

22 The bill also provides General Fund appropriations to  
23 programs within the Department of Mental Health, Mental  
24 Retardation and Substance Abuse Services of \$400,000 and  
25 \$1,000,000 in fiscal years 1997-98 and 1998-99, respectively, for  
26 day services for people with mental retardation who are not class  
27 members.

30 The losses of General Fund revenue and the General Fund  
31 appropriations in the 1998-99 biennium described above will only  
32 take effect if sufficient resources are available to be  
33 transferred from the Tax Relief Fund for Maine Residents.'

### 36 SUMMARY

38 This amendment does the following.

40 1. It provides funds for the estimated state share of debt  
41 service from increasing the school construction debt limit.

42 2. It authorizes a state discount liquor store in Calais  
43 and authorizes a study of the feasibility and benefits of  
44 locating a discount state liquor store in Fort Kent.

46 3. It increases the reimbursement for county and municipal  
47 law enforcement officers for court officer services or for  
48 serving as witnesses.

50

HOUSE AMENDMENT "D" to S.P. 678, L.D. 1902

2 4. It exempts from the sales tax sales to incorporated  
nonprofit fire departments and incorporated nonprofit ambulance  
services.

4  
6 5. It appropriates funds to create an elder abuse and fraud  
unit within the Department of the Attorney General.

8  
10 6. It appropriates funds to support advocacy and case  
management services at the Maine Center on Deafness.

12 7. It provides funds to establish positions in the Attorney  
General's Office for legal services related to recoveries  
attributed to tobacco use.

14  
16 8. It provides funds for day services for people with  
mental retardation who are not class members.

18  
20 9. It restores to 1/2 the percentage of revenue from net  
receipts that the Treasurer of State must credit to the General  
Fund and restores to 1/2 the percentage of revenue from net  
receipts that must be paid into the Housing Opportunities for  
22 Maine Fund, effective July 1, 1999.

24  
26 10. It requires that all personnel employed by the State or  
under contract with the State who are involved with the  
monitoring, inspection or licensing of nuclear power plants must  
28 provide information and assistance to the Legislature, upon its  
request.

30  
32 11. It expands the property tax exemption for certain  
veterans.

34  
36 12. It authorizes transfers from the Tax Relief Fund for  
Maine Residents back to the General Fund to fund various General  
Fund appropriations and General Fund revenue losses in the  
38 1998-99 biennium. It also makes the effective date of those  
parts that represent a cost to the General Fund contingent upon  
the certification by the State Controller that sufficient  
40 resources are available in the Tax Relief for Maine Residents  
Fund.

42 13. This amendment also adds a fiscal note to the bill.

44  
46  
48 SPONSORED BY: George J. Kerr  
(Representative KERRY)

50 TOWN: Old Orchard Beach

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# HOUSE AMENDMENT