

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE  
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 164, SUBSECTION 6.

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

of the  
ONE HUNDRED AND EIGHTH LEGISLATURE

1977

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Whereas, that public law did not increase the fee to be charged by municipalities for such recording; and

Whereas, this error will cause municipalities to lose \$2 in costs of filing on each tax lien recorded and may also raise issues of the validity of those tax liens; 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.** 33 MRSA § 751, sub-§ 13, 3rd ¶, as last amended by PL 1977, c. 145, § 11, is further amended to read:

For receiving, filing and indexing the discharge or termination statement of an original financing statement filed prior to April 1, 1970, the charge prescribed in Title 11, section 9-404; of one filed on or after April 1, 1970, ~~the sum of \$5~~ no charge;

**Sec. 2.** 36 MRSA § 942, 5th ¶, 1st sentence, as last repealed and replaced by PL 1975, c. 770, § 204, is repealed and the following enacted in its place:

The costs to be paid by the taxpayer shall be the sum of the fees for recording and discharge of the lien as established by Title 33, section 751, subsection 10, plus \$2 and all registered mail fees.

**Sec. 3. Transitional provision.** Notwithstanding any provisions of Title 36, section 942, or any provisions of public law 1977, chapter 145, "AN ACT to Increase Certain Fees of the Registries of Deeds," the cost to be paid by the taxpayer to redeem a tax lien mortgage recorded between May 11, 1977, and the effective date of this Act shall be as established by this Act.

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

Effective June 30, 1977

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## CHAPTER 423

**AN ACT to Make Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1978 and June 30, 1979.**

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

Whereas, the said 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1977; 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:*

**PART A**

**Sec. 1. Allocation of Highway Fund.** Undedicated income to the Highway Fund for the next fiscal years—from July 1, 1977 to June 30, 1978 and from July 1, 1978 to June 30, 1979—shall be segregated, apportioned and expended as designated in the following schedules:

**CODE #**

<b>POLICY AREA</b>		<b>ALLOCATION FROM</b>	
<b>UMBRELLA IDENTITY</b>		<b>HIGHWAY FUND</b>	
<b>Program</b>	<b>PAGE #</b>	<b>1977-78</b>	<b>1978-79</b>
00 GENERAL GOVERNMENT			
08 DEPARTMENT OF FINANCE AND ADMINISTRATION			
0078 BPI—Transportation Building			
Maintenance .....	2-053		
<b>Unallocated</b>		\$ 251,768	\$ 256,143
0135 BPI—State Police Headquarters			
Building—Maintenance ...	2-057		
<b>Unallocated</b>		45,059	46,279
29 DEPARTMENT OF THE SECRETARY OF STATE			
0077 Motor Vehicles—Administration .... 2-133			
0078 Motor Vehicles—Public Services			
0079 Motor Vehicles—Driver Improvement/ Fiscal Responsibility			
0087 Motor Vehicles—Driver Examination			
<b>Unallocated</b>		3,657,600	3,642,700

CODE #	POLICY AREA	ALLOCATION FROM		
	UMBRELLA IDENTITY	HIGHWAY FUND		
	Program		PAGE #	1977-78      1978-79
ECONOMIC DEVELOPMENT				
02	DEPARTMENT OF BUSINESS REGULATIONS			
0097	State Claims Board .....		2-233	
	Unallocated	\$ 76,101		\$ 81,390
06	PUBLIC PROTECTION			
16	DEPARTMENT OF PUBLIC SAFETY			
0329	Public Safety—Motor Vehicle			
	Inspection .....		2-691	
	Unallocated	220,103		140,422
0291	State Police .....		2-695	
	Unallocated	6,894,361		7,006,861
07	TRANSPORTATION			
17	DEPARTMENT OF TRANSPORTATION			
0348	Transportation—Accounting, Auditing			
	& Other Services .....		2-717	
	Unallocated	339,000		364,000
0353	Transportation—Compensation for			
	Injuries .....		2-719	
	Unallocated	336,100		337,300
0342	Transportation—Amortization—			
	Office Building .....		2-711	
	Unallocated	585,000		585,000
0341	Transportation—Planning &			
	Services .....		2-721	
	Unallocated	768,700		762,600
0343	Transportation—Special Resolves ...		2-713	
	Unallocated	960		960
0339	Highway—Administration .....		2-745	
	Unallocated	3,196,700		3,223,400
0340	Highway—Highway Safety .....		2-747	
	Unallocated	135,200		143,300
0357	Highway—Topographic Mapping ...		2-755	
	Unallocated	10,000		10,000
0334	Highway—Island Town Refunds ...		2-735	
	Unallocated	20,000		20,000

CODE #	POLICY AREA UMBRELLA IDENTITY Program	PAGE #	ALLOCATION FROM HIGHWAY FUND	
			1977-78	1978-79
0335	Highway—Access Roads to Ski Areas ..... Unallocated	2-737	—	—
0336	Highway—State Aid Construction .. Unallocated	2-739	\$ 6,200,000	\$ 6,200,000
0337	Highway—Special State Aid Construction ..... Unallocated	2-741	500,000	500,000
0355	Highway—Town Road Improvement Fund Unallocated		1,000,000	1,000,000
0356	Highway—Bridge Construction ..... Unallocated	2-753	1,906,019	2,159,600
0330	Highway—Summer Maintenance ... Unallocated	2-727	24,331,800	25,062,300
0331	Highway—Traffic Services ..... Unallocated	2-729	1,667,199	1,935,800
0332	Highway—Picnic Area ..... Unallocated	2-731	111,900	115,100
0333	Highway—Bridge Maintenance .... Unallocated	2-733	2,990,000	3,050,700
0338	Highway—Radio Operations ..... Unallocated	2-743	155,000	185,600
0354	Highway—Winter Maintenance .... Unallocated	2-749	14,579,500	15,072,000
0296	Highway—Railroad Crossing Protection ..... Unallocated	2-725	30,000	30,000
0358	Highway—Bond Interest ..... Unallocated	2-757	3,138,083	3,792,037
0359	Highway—Bond Retirement ..... Unallocated	2-759	930,000	1,610,000

CODE #	POLICY AREA	ALLOCATION FROM	
UMBRELLA IDENTITY	PROGRAM	PAGE #	HIGHWAY FUND
			1977-78      1978-79
0406	Highway—Highway and Bridge		
	Improvements . . . . .	2-761	
	Unallocated		4,390,000      2,910,000
	Total Allocations		\$78,466,153      \$80,243,492

Amounting to \$78,466,153 for the fiscal year ending June 30, 1978 and \$80,243,492 for the fiscal year ending June 30, 1979.

**Sec. 2. Allocation of the Unappropriated Highway Fund Surplus.** The Unappropriated Highway Fund Surplus with the approval of the Governor, may be apportioned by the Department of Transportation for any of the purposes set forth in section 1. There is allocated from the Unappropriated Highway Fund Surplus \$8,500,000 for bond retirement which shall be segregated, apportioned and expended as designated in the following schedule:

PAGE #	1977-78	1978-79
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07 TRANSPORTATION

17 DEPARTMENT OF TRANSPORTATION

0359	Highway—Bond Retirement . . . . .	2-759	\$4,250,000	\$4,250,000
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**Sec. 3. Allocation for special state aid construction.** The allocation for state aid construction (special) shall be apportioned to the 16 counties on the basis of number of miles of improved and unimproved designated state aid highways located within each county, such apportionments to be expended by the Department of Transportation on sections of improved state aid highways where, because of excessive maintenance or hazardous conditions, reconstruction is desirable; and for construction of unimproved sections of state aid highways located between improved sections in instances where the public use and safety require such construction.

**Sec. 4. State Police activities on the Maine Turnpike.** The Maine Turnpike Authority shall assume the cost of State Police activities on the Maine Turnpike and such costs shall be paid on the basis of monthly statements. Prior to December 1st of each year, the Chief of the Maine State Police shall file a report with the Maine Turnpike Authority containing suggestions and information in regard to proposed State Police activities on the turnpike for the succeeding period. The report shall include but not be limited to the following items: (1) Personnel including information in regard to assignment of such personnel by shifts, (2) vehicles and equipment including a schedule of replacements of the same, and (3) estimated cost of items (1) and (2) with any additional information that will assist the Maine Turnpike Authority in determining the level of service of State Police activity proposed by the Chief of the Maine State Police. The Maine Turnpike Authority and the Chief of the Maine State Police or his designee, shall review the information regarding the proposed patrol activities as contained in the report and such activities will be authorized when mutually agreed to by the Maine Turnpike Authority and the Chief of the State Police.



Moneys paid by the Maine Turnpike Authority to the Treasurer of State shall be credited 75% to the Highway Fund and 25% to the General Fund, it being understood that the State Police personnel, the cost of which is paid by the Maine Turnpike Authority, shall be utilized exclusively for Maine Turnpike related activities except for emergencies.

## PART B

Sec. 1. 23 MRSA § 4208, is enacted to read :

The Department of Transportation is authorized to conduct defensive driving courses for the purpose of promoting highway safety and to charge a registration fee of \$5 to participants in the defensive driving courses conducted under the auspices of the department. The fee shall be used to supplement federal funds to cover the cost of materials and to compensate certified instructors for their services in conducting the courses. Any balances remaining at the end of the fiscal year shall not lapse but shall be carried forward to be used for the purposes stated in this section.

Sec. 2. 29 MRSA § 201, 2nd ¶, as enacted by PL 1975, c. 702, § 4 is amended to read :

Each official shall deduct and retain from the use taxes collected pursuant to this subchapter a fee of ~~\$1~~ \$2.50 for each vehicle in respect to which a use tax certificate has been submitted in accordance with section 203 even though such certificate indicated that no use tax was due in respect to the vehicle in question.

Sec. 3. 30 MRSA § 2460, 2nd ¶, as enacted by PL 1965, c. 481, § 5 and sub-§§ 1, 2 and 3, as last amended by PL 1973, c. 625, § 204, are further amended to read :

~~Just~~ In the case of such acquisition, just compensation shall be paid the owner for the relocation, removal or disposal of the following automobile graveyards and junkyards :

1. In existence. Those ~~lawfully~~ which were operating and in existence on May 11, 1966 and located in areas adjacent to any portion of a highway incorporated in the Interstate or Primary Systems, which exceed federal restrictions and for which federal funds are available to defray the costs;

2. On certain highways. Those ~~lawfully~~ in operation along any highway made a part of the Interstate or Primary Systems on or after May 11, 1966; and

3. To be established. Those ~~lawfully~~ in operation and established on or after May 11, 1966.

Sec. 4. 30 MRSA § 2460, as last amended by PL 1973, c. 625, § 204, is further amended by inserting at the end the following :

Nothing in this section shall deny the department the right to participate with the owner when federal funds are available to defray costs of screening junkyards whenever it may be determined to be more feasible to screen

rather than to be involved in the cost or impact of acquisition and relocation.

**Sec. 5. Evaluation of allocation to State Police.** The Department of Audit shall evaluate and determine the portion of State Police activities related to highway transportation and that portion related to other responsibilities. The purpose is to consider on a factual basis that portion of the State Police budget which should be supported from the Highway Fund and General Fund respectively. The department should complete its study and report its findings to the Bureau of the Budget prior to October 1, 1978, for preparation of the next biennium's budget.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977.

Effective July 1, 1977

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## CHAPTER 424

### AN ACT to Amend the Maine Income Tax Law.

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

**Sec. 1.** 36 MRSA § 5127, as enacted by P&SL 1969, c. 154, § F, is repealed and the following enacted in its place:

#### § 5127. Income tax credits

##### 1. Credit for income tax paid to another taxing jurisdiction.

**A.** A resident individual shall be allowed a credit against the tax otherwise due under this Part for the amount of any income tax imposed on him for the taxable year by another state of the United States, a political subdivision thereof, the District of Columbia or any Canadian Province on income derived from sources therein and which is also subject to tax under this Part.

**B.** The credit provided under this section shall not exceed the proportion of the tax otherwise due under this Part that the amount of the taxpayer's adjusted gross income derived from sources in the other taxing jurisdiction bears to his entire adjusted gross income as modified by this Part.

**2.** Income tax credit for child care expenses. A resident individual shall be allowed a credit against the tax otherwise due under this Part in the amount of 15% of the federal tax credit allowable for child care expenses. In no case will this credit reduce the Maine income tax to less than zero.

**Sec. 2.** 36 MRSA § 5146 is enacted to read: