

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

2. Purse seines prohibited. From ~~April 10th to~~ April 15th to September 30th, both days inclusive, it shall be unlawful to use a purse seine. This subsection shall not prohibit the seining of mackerel or the use of a purse seine to remove the fish caught in a weir or stop seine. The commissioner may by regulation allow the use of purse seines during this period in specific areas and with specific conditions or limitations, if he finds that the use is necessary to provide fish to processors, ~~that it will not create undue hardships to fixed gear fishermen in the area and that it will not unduly deplete the recruitment capacity of the stocks.~~ These regulations may be adopted or amended as emergencies under section 6192.

Effective September 23, 1983.

CHAPTER 109

H.P. 1028 - L.D. 1342

AN ACT to Establish the Cost of the
1983 Spruce Budworm Suppression Project.

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

Whereas, prompt determination of the cost of the Spruce Budworm Spray Project is necessary in order to establish preproject taxes to be assessed on landowners in the spray program area; 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. 12 MRSA §8426, sub-§2, as amended by PL 1981, c. 278, §7, is further amended to read:

2. Authorization by Legislature. Following the recommendation made in accordance with subsection 1, the Legislature shall determine, not later than February 15th March 1st, the amount, if any, authorized for expenditure for any spray project in that

calendar year, except for the 1983 project which shall be determined not later than March 20th. That excise tax shall be assessed and collected in accordance with section 8427, subsection 2.

Sec. 2. 12 MRSA §8427, sub-§3, as repealed and replaced by PL 1981, c. 278, §10, is amended to read:

3. Post-project excise tax. The post-project tax for forest ~~land owners~~ landowners within the district shall be computed and assessed as follows.

A. The director shall determine the total amount of costs incurred or budgeted to be expended in connection with any spray project conducted during the then current calendar year.

B. The amount computed in paragraph A shall be reduced by the amount of any moneys received for that project from the Government of the United States.

C. Ninety percent of the amount computed under paragraph B shall be raised by a post-project spray tax, the per acre rate of which shall be calculated by dividing the sum to be so raised by the number of acres which actually received spray treatment, as determined by the director.

D. Ten percent of the amount computed under paragraph B shall be raised by a post-project shared tax, applicable to all taxable acres in the district, the per acre rate of which shall be calculated by dividing the sum to be raised by the number of acres within the district, as designated by the director.

E. The director shall certify in writing to the State Tax Assessor, by September 1st, the post-project shared tax rates and the post-project spray tax rate, together with the number of acres within each ownership which are subject to those taxes.

F. The amount of the post-project excise taxes payable by each landowner shall be reduced by the amount assessed upon that landowner on account of the pre-project excise tax payable for that calendar year.

G. The State Tax Assessor shall compute, assess and bill, by November 1st the amount of the post-project excise taxes payable by each landowner in accordance with this section.

In the event that the amount so calculated results in a negative balance for any landowner, the State Tax Assessor shall refund to that landowner the amount of the balance in the form of a tax rebate. The rebate shall be made no later than February 28th of the year following the assessment date.

Sec. 3. Spruce budworm spray project cost. In accordance with the Revised Statutes, Title 12, section 8426, the Legislature determines the cost of the 1983 Spruce Budworm Spray Project is \$7,230,000.

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

Effective April 1, 1983.

CHAPTER 110

S.P. 423 - L.D. 1285

AN ACT Making Unified Appropriations
and Allocations for the Expenditures of State
Government, General Fund, and Changing
Certain Provisions of the Law Necessary
to the Proper Operations of State
Government for the Fiscal Years Ending
June 30, 1984, and June 30, 1985.

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

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

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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: