

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 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

certification from the Department of Inland Fisheries and Wildlife or the Department of Marine Resources that the fish passage facilities were constructed in accordance with approved plans and specifications; and

2. Application for tax rebate. An application for a tax rebate which shall state at a minimum the construction materials purchased, its manufacturers, its cost, the use of which the purchaser has made of the materials and the seller from whom the purchase was made, and shall be accompanied by a copy of the purchase invoices.

Sec. 5. Public Law 1983, c. 477, Part F, Subpart 3, section 3 is enacted to read:

3. Application. This subpart shall apply to taxable years beginning on or after January 1, 1983.

Sec. 6. Effective date. Sections 1 and 4 of this Act shall take effect on July 1, 1984. Section 2 of this Act and Title 36, section 1760, subsection 43 shall take effect on October 1, 1984. Title 36, section 1760, subsection 42 shall take effect on January 1, 1984.

Effective September 23, 1983 unless otherwise indicated.

CHAPTER 561

H.P. 1344 - L.D. 1783

AN ACT Relating to Services of a Municipal Character in the Unorganized Territory.

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

Whereas, prompt determination and certification of the municipal cost components in the unorganized territory tax district is necessary to the establishment of a mill rate and the levy of the unorganized territory educational and services tax; 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 §685-D is enacted to read:

§685-D. Funding

Services and activities of the commission which benefit the unorganized and deorganized areas of the State, other than plantations, shall be charged to the unorganized territory and collected through the Unorganized Territory Educational and Services Tax established in Title 36, chapter 115. Services and activities of the commission which benefit plantations, towns and cities shall be paid from the General Fund. Notwithstanding any other provision of law, the Treasurer of State is directed to reimburse the General Fund for the cost of those services and activities provided specific plantations, towns or cities from funds available to the plantation, town or city pursuant to section 557, subsection 3 or the Organized Townships Fund, Title 30, section 4166, as applicable. The General Fund shall be reimbursed for any remaining costs for providing the commission services to plantations, towns and cities by charges made by the commission directly to the plantation, town or city receiving the benefit. Services and activities of the commission which are available on a general statewide level shall be paid from the General Fund.

The Department of Conservation shall report annually to the Legislature its estimate of the amount of its budget for the next fiscal year to be collected through the Unorganized Territory Educational and Services Tax, the amount to be charged to the Organized Townships Fund, or section 557, the amount to be charged to plantations, towns and cities and the amount to be borne by the General Fund.

Sec. 2. 30 MRSA §4165, as repealed and replaced by P&SL 1975, c. 147, Pt. C., §8, is amended to read:

§4165. Unorganized Territory School Fund

There shall continue in existence the Unorganized Territory School Fund which shall include the existing principal of said fund arising from the public reserved lands prior to October 3, 1973 and any accrued but unexpended income from said fund as of said date. Said fund shall be held and administered by the Treasurer of State. The income only of said fund shall be credited to the General Fund in lieu of educational expenditures from other General Fund revenues. The income only of that fund shall be credited on December 31st annually to the Unorganized Ter-

ritory Educational and Services Fund established by Title 36, chapter 115 and used to reduce the amount determined to be the municipal cost components for the next fiscal year.

Sec. 3. Franklin County commissioners; allocation to Salem Volunteer Fire Department. The county commissioners of Franklin County shall pay, from any amount previously collected through the Unorganized Territory Educational and Services Tax and received from the Treasurer of State, to the Salem Volunteer Fire Department to cover the 1982 year the amount of \$10,500 less any payments previously made to that department for that year, but not to exceed the department's actual expenses.

Sec. 4. Studies and reports. The Department of Conservation shall study whether it is advisable for the Maine Land Use Regulation Commission to continue as the "one-stop" land use permitting agency for other agencies of State Government within unorganized areas and whether services provided by the commission which are provided elsewhere by other state agencies should be continued. The department shall submit a report to the Second Regular Session of the 11th Legislature which shall list other agencies which could provide these services and the advantages or disadvantages of transferring these functions to other agencies, as well as the advantages or disadvantages of continuing these functions within one agency for unorganized areas.

The Bureau of Taxation shall make a report to the Second Regular Session of the 11th Legislature containing the following information: An estimate of the amount that would be required to reimburse the Unorganized Territory Educational and Services Fund for 50% of the property tax revenue loss suffered during the 1983 calendar year because of statutory property tax exemptions or credits enacted after April 1, 1983; and an estimate of the amount of reimbursement that the unorganized territory would receive if it were treated as a municipality for purposes of reimbursement under Title 36, section 578. The Treasurer of State shall make a report to the Second Regular Session of the 11th Legislature containing an estimate of the percentage of the Local Government Fund that would be paid to the unorganized territory if it were treated in the same manner as a municipality under Title 30, section 5055.

The Bureau of Public Lands shall make a report to the Second Regular Session of the 11th Legislature containing an estimate of the amount that would be required if the plantations and the unorganized territory were entitled to 25% of the net revenues from

any public lands in the same manner as municipalities under Title 12, section 557

The reports required by this section shall contain a detailed explanation of the method that was used in arriving at the estimates that are submitted.

Sec. 5. Municipal cost components for services rendered. In accordance with the Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 1983-84 is \$5,430,159, as reflected by the following tabulation:

	<u>1983-84</u>
Forest Fire Protection	\$747,163
Maine Land Use Regulation Commission	378,494
Secretary of State	2,400
Property Tax Assessment	385,000
County reimbursement for services:	
Aroostook	\$154,950
Franklin	39,000
Oxford	75,500
Penobscot	50,000
Piscataquis	214,601
Somerset	127,938
Washington	<u>202,700</u>
Total	864,689
Education	2,982,411
Human Services - General Assistance	300,000
Bureau of the Budget	2,000
Less: Adjustments for rounding of mill rates for 1982 supplemental, abatements and charge off	(231,998)
Net requirement	\$5,430,159

Sec. 6. Extension. For the purposes of determination of the municipal cost component for the 1983-84 fiscal year, the date for the Legislature to determine the municipal cost component is extended until July 1, 1983.

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

Effective June 30, 1983.

CHAPTER 562

H.P. 1128 - L.D. 1483

AN ACT to Provide a Sales Tax Exemption
for Certain Church Affiliated Residential
Homes.

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

36 MRSA §1760, sub-§42 is enacted to read:

42. Certain church affiliated residential homes. Sale. to any church affiliated nonprofit organization which operates, under a charter granted by the Legislature, a residential home for adults.

Effective September 23, 1983.

CHAPTER 563

S.P. 545 - L.D. 1590

AN ACT to Provide a Comprehensive
Marketing Program for Maine Agricultural
Products.

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

Sec. 1. 7 MRSA §§401-A to 401-C are enacted to read:

§401-A. Legislative findings

The Legislature finds that the marketing of agricultural commodities produced in the State is crucial to the maintenance and expansion of the agricultural industry, to the preservation of rural life in the State and to the economic well-being of all of the state's people. The Legislature further finds that over the years, marketing issues have been inadequately addressed and some of the major agricultural