

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

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

30 MRSA §2752, as amended by PL 1975, c. 531, §2, is further amended by adding at the end the following:

The provisions of this section relating to the composition of the licensing board and license expiration dates do not apply to any municipality which has designated the municipal officers as the licensing board for the issuance of innkeepers', victuallers' and tavernkeepers' licenses by local ordinance or charter provisions adopted under chapter 201-A or the Constitution of Maine, Article VIII, Part Second, Section 1. Licenses granted in accordance with this alternate method shall expire one year from the date of issuance.

Effective September 19, 1985.

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## CHAPTER 58

H.P. 267 - L.D. 337

AN ACT to Amend the Maine Spruce Budworm Management Act.

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

Sec. 1. 12 MRSA §8424, sub-§3, as amended by PL 1983, c. 656, §§1 and 2, is further amended to read:

3. Effect of application. The director shall accept, not later than December 1st of each year, any application which to his satisfaction meets the requirements of this section and any additional criteria which the director may impose by regulation in furtherance of the legislative policies of this subchapter. By December 31st, the director shall certify in writing to the State Tax Assessor the complete list of all participants in the program. The list shall include the names of the forest landowners, the names and addresses of the persons designated to be billed and served with notices of liens, particularized descriptions of the real estate included in the spray program area and statements of the acreage included in each parcel. If a change in ownership occurs after December 31st, the director

shall inform the State Tax Assessor not later than the following September 1st.

Upon the director's acceptance of any such application, the forest land involved shall, for a period of 5 years, be and remain eligible for inclusion within the spray project, and shall be subject to taxation pursuant to section 8427, regardless of any change in ownership of such forest land. The areas sprayed each year shall be determined on an annual basis pursuant to subsection 4, and shall be subject to taxation pursuant to section 8427, regardless of any change in ownership of such forest land. At the expiration of the 5-year period, application must be renewed by the forest land owner and accepted by the director in accordance with this section in order to enable continued eligibility for participation in subsequent spray projects. Forest land which is eligible for inclusion within the spray project and which has been accepted by the director may be withdrawn from the spray program area prior to the end of the 5-year period, provided that the withdrawal is made no later than December 1st to be effective for the spray project of the following year and that during the 5-year period:

- A. Changes in present law, regulation or Maine Forest Service policy prohibit the forest land from being treated with either biological or chemical insecticides;
- B. Natural disaster, such as forest fire or blowdown make insecticide treatment impractical;
- C. The director determines that withdrawal of the forest land furthers the legislative policies of this subchapter; or
- D. The landowner provides written assurance in the form of specific protection plans for each block of forest land proposed for withdrawal from the 5-year protection district.

Sec. 2. 12 MRSA §8426, as amended by PL 1983, c. 819, Pt. A, §36, is further amended to read:

§8426. Funding

1. Recommendation of the director. On or before January 1st of each year, the director shall report in writing to the Bureau of the Budget and to the Legislature his estimate of the costs of implementation of any spray project management program proposed for that calendar year, along with his estimate of

the cost of funding program planning activities for the period beginning October 1st and ending on April 30th of the following year.

If the director finds that no spray project is necessary in 1986, he shall make a determination of the need for ongoing management program activities. The director shall base his determination upon recommendations of affected landowners and the public, and other factors that the director deems to be in furtherance of the legislative policies of this subchapter. On or before January 1, 1986, the director shall report in writing to the Legislature his estimate of the costs of implementation of the management program activities determined to be necessary, along with a complete description of the activities and the related staff requirements. Management program activities in a year without a spray project shall include only necessary budworm survey and detection, research and administration. The director shall include in his report any recommended changes to this subchapter to ensure the implementation of equitable methods for financing ongoing budworm survey activities in years with no spray project, consistent with the legislative policies of this subchapter.

2. Authorization by Legislature. Following the recommendation made in accordance with subsection 1, the Legislature shall determine, not later than March 1st, the amount, if any, authorized for expenditure for any ~~spray project~~ management program 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. At the same time, the Legislature shall determine the amount, if any, authorized for expenditure for preproject planning during the period beginning October 1st and ending April 30th of the following year.

3. Management program special accounts. Special accounts shall be established in the following manner.

A. The Treasurer of State shall establish 2 dedicated revenue accounts as follows.

(1) Into one account shall be deposited any revenues received by the State from the Government of the United States for any spray project.

(2) Into the other account shall be deposited any revenues received by the State from

the excise taxes authorized pursuant to this subchapter.

B. The moneys credited to such accounts shall be used by the Bureau of Forestry to pay any expenses, debts, accounts and lawful demands incurred in connection with spray projects management programs authorized under this subchapter, and the director shall authorize the State Controller to draw his warrant therefor at any time. Any remaining balance in these accounts shall continue from year to year as a fund available for the purposes set out in this subchapter and for no other purpose.

C. Any revenue deposited in spray project special accounts attributable to services funded from other state accounts shall be credited to the accounts funding these services. If the General Fund funded these services, the revenue shall be credited to the General Fund Undedicated Revenue Account. In the case where the original source cannot be determined, these funds shall be deposited in the General Fund.

4. Borrowing from General Fund. To accomplish the purpose of this subchapter, the director, subject to the approval of the Governor, may borrow moneys from the General Fund for up to 120 days, at no interest, in order to enable the bureau to pay expenses, debts, accounts and lawful demands for any spray project management program authorized under subsection 2; provided that the aggregate amount of such borrowing may at no time exceed the amount of uncollected excise taxes authorized under this subchapter for that spray project.

5. Treasurer of State; temporary loan. The Treasurer of State, upon the recommendation of the director, as approved by the Governor, may negotiate a temporary loan or loans in anticipation of excise taxes to be raised during the same fiscal year. The loan application shall be initiated by the Treasurer of State so that the funds derived therefrom are available not before July 1st for expenditure by October 1st of the same fiscal year.

The money borrowed shall be deposited in a separate special revenue account the account established pursuant to section 8426, subsection 3, paragraph A, subparagraph (2), and shall be used to fund the program during the preproject period beginning October 1st and ending on April 30th. Any income derived from investment of these funds shall be credited to

the account established pursuant to section 8426, subsection 3, paragraph A, subparagraph (2) same account.

Any amount borrowed pursuant to this section shall be repaid with interest from the amount collected as a preproject excise tax under section 8427, subsection 2. In the event that no such tax is collected, this amount shall be raised by a shared tax applicable to all acres in the district, as of July 1st of that fiscal year, the per acre rate of which shall be calculated by dividing the sum to be raised by the number of acres within the district.

Sec. 3. 12 MRSA §8427, sub-§2, as amended by PL 1983, c. 810, §4, is further amended to read:

2. Pre-project excise tax. The pre-project excise tax shall be computed in the following manner:

A. The ratio of the planned spray acres for each landowner to the total planned spray acres for all landowners controlling 1% or more of the total planned spray acres in the project;

B. The ratio computed in paragraph A shall be multiplied by the estimate of total project cost provided in section 8426, subsection 1, less the carryover account balance for landowners in the previous program; and

C. The pre-project excise tax shall be assessed and billed by the State Tax Assessor within 30 days following the legislative authorization provided in section 8426, subsection 2; and

D. In the event that no spray project is planned for a given year, the pre-project tax shall be computed in the following manner:

(1) The ratio of the spruce fir forest protection district acres for each landowner to the total protection district acres for all landowners controlling 1% or more of the total protection district acres;

(2) The ratio computed in this paragraph shall be multiplied by the estimate of total program cost produced in section 8426, subsection 1; and

(3) The pre-project excise tax shall be assessed and billed by the State Tax Assessor

within 30 days following the legislative authorization provided in section 8426, subsection 2.

Sec. 4. 12 MRSA §8427, sub-§3, as amended by PL 1983, c. 810, §5, is further amended to read:

3. Post-project excise tax. The post-project tax for forest 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 the management program conducted during the then current calendar year. This amount shall be reduced by the amount of any money received for that program from the Federal Government.

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 A 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 A 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.

D-1. In the event that no spray project is conducted in a given year, the amount computed under paragraph C 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. The director's certifica-

tion shall be based on the latest available actual cost data, as well as an estimate of outstanding obligations, including personnel costs of the budworm management program. Final actual costs shall be determined on or before March 15th of the following calendar year. Any underestimates or overestimates resulting from this paragraph shall be credited or debited to the following year's program as appropriate.

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 April 30th of the year following the assessment date.

Effective September 19, 1985.

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## CHAPTER 59

H.P. 35 - L.D. 37

AN ACT to Allow the Department of Corrections  
to Release Certain Information  
Pertaining to its Inmates which is a  
Matter of Public Record.

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

34-A MRSA §3003, sub-§1, as repealed and replaced by PL 1983, c. 581, §§14, 59, is amended to read:

1. Limited disclosure. All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the de-