

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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## CHAPTER 362

H.P. 1087 — L.D. 1478

## AN ACT to Improve the Method of Calculating Excise Taxes in Fire Control.

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

Whereas, the present law regarding the Forestry Excise Tax requires certification to the State Tax Assessor by September 1, 1987, of the cost of forest fire protection activities; and

Whereas, this statutory change proposes to change the method of calculating the cost of forest fire protection; and

Whereas, this change will need to take effect on September 1, 1987; 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.** 36 MRSA §2722, as enacted by PL 1985, c. 514, §2, is amended to read:

§2722. Annual tax

An excise tax is imposed upon the privilege of using one's land in commercial forestry enterprise in this State. The tax shall be levied upon owners of commercial forest land and shall be apportioned according to the formula specified in section ~~2723~~ 2723-A. The State, municipalities and the Federal Government are not subject to this tax.

**Sec. 2.** 36 MRSA §2723, as enacted by PL 1985, c. 514, §2, is repealed.

**Sec. 3.** 36 MRSA §2723-A is enacted to read:

§2723-A. Computation of tax

1. Calculation of fire control net costs. Annually by September 1 beginning in 1987, the Commissioner of Conservation shall certify to the State Tax Assessor the amount appropriated from the General Fund by the Legislature for the current fiscal year, including funds appropriated or allocated for capital improvements and repairs and the amounts proposed and budgeted to be spent in any federal and dedicated accounts for forest fire protection activities in the same fiscal year. The

commissioner shall certify the amounts of all projected revenues resulting from forest fire protection activities for the same fiscal year, including federal revenues and dedicated revenues from the sale of buildings, vehicles and other equipment; fees and other miscellaneous revenues; and revenues estimated to be received from municipalities and the unorganized territory pursuant to Title 12, sections 9204, 9205 and 9205-A.

2. Preceding fiscal year net costs. The commissioner shall certify to the State Tax Assessor actual expenditures and revenues for forest fire protection for the preceding fiscal year for the same categories of information required in subsection 1 and provide the net amount resulting from subtracting revenues from expenditures.

3. Roll forward amount from preceding fiscal year. The State Tax Assessor shall subtract the amount in subsection 2 from the amount determined for the preceding fiscal year under subsection 4. If the resulting amount is positive, it shall be treated as a revenue and deducted from current year estimated expenditures. If the amount is negative, it shall be treated as an expenditure and added to current year estimated expenditures.

4. Computing current year costs. The State Tax Assessor shall add all projected expenditures for the current fiscal year, including general, federal and dedicated funds. From this amount shall be subtracted all revenues projected to be received in the current fiscal year, as identified in accordance with subsection 1. From this amount shall be added or subtracted, as appropriate, the net roll forward amount from the prior fiscal year as determined in subsection 3.

5. Computing the tax. This amount shall be divided by 2 and the quotient divided by the total number of adjusted acres of commercial forest land, rounded to the nearest 1/10 of a cent and multiplied by the number of adjusted acres of commercial forest land owned by each taxpayer to determine the amount of tax for which each owner of commercial forest land shall be liable.

6. Minimum tax. If the amount calculated under this chapter is less than \$5, the amount assessed shall be \$5.

**Sec. 4. Transition.** For 1987 only, the amount determined pursuant to the Maine Revised Statutes, Title 36, section 2723-A, subsection 2, shall be subtracted from the amount determined under the former Title 36, section 2723 in September 1986.

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

Effective June 19, 1987.

## CHAPTER 363

H.P. 1303 — L.D. 1782

**AN ACT to Authorize Hospitals to Use Magnetic  
Resonance Imaging Devices Located in  
Private Physicians' Facilities.**

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

Whereas, a certificate of need waiver for use of existing magnetic resonance imaging machines by inpatients is necessary immediately for the health and safety of patients; 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.** 22 MRSA §304-A, sub-§2, as enacted by PL 1981, c. 705, Pt. V, §16, is amended to read:

2. Acquisitions of major medical equipment. The following acquisitions:

A. The acquisition by any person of major medical equipment that will be owned by or located in a health care facility; or

B. The acquisition by any person of major medical equipment not owned by or located in a health care facility if:

(1) The equipment will not be used to provide services for inpatients of a hospital, but the person fails to file a written notice of intent to acquire the equipment at least 60 days prior to entering into a contract to acquire the equipment; or

(2) The department finds, within 30 business days after the date it receives a written notice of intent to acquire the equipment, that the equipment will be used to provide services for inpatients of a hospital.

There shall be a waiver for the use of major medical equipment on a temporary basis as provided in section 308, subsection 4. Magnetic resonance imaging machines acquired on or before June 1, 1987, shall not be subject to review regardless of any other provisions of this Act and shall be authorized to provide inpatient services;

**Sec. 2. Effective date.** This Act is repealed on July 1, 1988.

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

Effective June 19, 1987.

**CHAPTER 364**

H.P. 1254 — L.D. 1712

**AN ACT Concerning the Receiving,  
Witnessing or Accepting of Absentee  
Ballots.**

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

21-A MRSA §791, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Class D crime. The commission of any act described as follows in this subsection is a Class D crime:

A. A person who forges the name of another on an absentee ballot, return envelope or the application for an absentee ballot; ;

B. Notwithstanding this subchapter, a candidate who delivers, receives, accepts, notarizes or witnesses an absentee ballot, other than his own absentee ballot, furnished by the clerk of a municipality in this State; or

C. A person who delivers, receives, accepts, notarizes or witnesses an absentee ballot, other than his own absentee ballot, for compensation other than reasonable reimbursement for actual meals and mileage. This paragraph does not apply to a governmental employee handling ballots in the course of his official duties or any person who handles absentee ballots before the unvoted ballots are delivered to the municipality or after the voted ballots are returned to the clerk.

Effective September 29, 1987.

**CHAPTER 365**

H.P. 1267 — L.D. 1730

**AN ACT Relating to Determination of Benefit  
Claims under the Unemployment Compensation Law.**

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

**Sec. 1.** 26 MRSA §1193, sub-§1, ¶A, as amended by PL 1979, c. 651, §46, is further amended to read:

A. For the week in which he left his regular employment voluntarily without good cause attributable to such that employment, or to a claimant who has voluntarily removed himself from the labor market where presently employed to an area where employment opportunity is less frequent, if so found by the deputy, and disqualification shall continue until claimant has earned 4 times his weekly benefit amount in employment by an employer; provided no disqualification shall