

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.

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

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2. Transactions. Any transaction under which land is to be taken by eminent domain and exceeds either 50 acres or \$100,000 shall be subject to approval by elected municipal officials in which municipality the land is located.

§6209. Ownership; title; management

1. Fund; uses. The fund may be used for the acquisition of real property in both fee and less-than-fee simple interest, including, but not limited to, conservation easements, access easements, scenic easements, other permanent interests in land and long-term leases of at least 99 years, provided that those acquisitions are primarily natural lands meeting the criteria set forth in this chapter.

2. Title. Title to all lands acquired pursuant to this chapter shall be vested solely in the State. Management responsibilities for the acquired lands may be contracted by the land-owning state agency to cooperating entities, subject to appropriate lease arrangements, upon the recommendation of the agency's commissioner and approval of the board.

3. Matching funds. For projects when matching funds include cash not derived from a bond request, an allocation of up to 20% of the appraised value of the acquired land or the amount of cash, whichever is less, may be put into the stewardship account of the state agency holding title to the land.

4. Payments. Payments from the fund may be made to cooperating entities for qualifying lands acquired on behalf of the State, provided that a state agency has issued to the cooperating entity a letter of intent requesting assistance in the acquisition. Upon submission to the state agency of a cooperating entity's direct expenses for acquisition and related costs of an authorized acquisition, the board shall authorize payment of those expenses, provided that the total of all expenses does not exceed the appraised value of the acquired property. Expenses shall be paid at intervals during the acquisition process, as determined by the board.

5. Land evaluated. All lands acquired with fund money shall be evaluated for rare, threatened or endangered species of plants and animals, exemplary natural communities, features of historic significance and other high priority natural features and ecologic functions as determined by the board, with reference to the best inventory data available to the State. Subsequent management by state agencies holding properties found to have such important features and functions shall reflect the objective of maintaining and protecting those features and functions.

6. Legislative approval. No lands acquired under this chapter shall be sold or used for purposes other than those stated in this chapter, unless approved by a 2/3 majority of the Legislature.

Sec. 2. 5 MRSA §12004, sub-§8, ¶A, sub-¶(20-A) is enacted to read:

<u>(20-A)</u>	<u>Natural Resources</u>	<u>Land for Maine's Future Board</u>	<u>Legislative Per Diem and Expenses for Appointed Members</u>	<u>5 MRSA §6202</u>
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Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1987-88 1988-89

EXECUTIVE DEPARTMENT

State Planning Office: Land for Maine's Future Board

Personal Services	\$1,320	\$1,320
All Other	\$1,500	\$1,500
Total	<u>\$2,820</u>	<u>\$2,820</u>

Provides funds for the 4 appointed members' per diem and travel.

Sec. 4. Sunset provision. Unless the referendum for a bond issue in an amount not to exceed \$40,000,000 for the purposes of financing the acquisition of land for conservation, outdoor recreation and wildlife is approved by the voters in November 1987, this Act is repealed on November 15, 1987.

Effective September 29, 1987.

CHAPTER 507

H.P. 1352 — L.D. 1846

AN ACT to Change the Basis of Telecommunication Taxation.

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

Sec. 1. 36 MRSA §§457 and 458 are enacted to read:

§457. State tax on telecommunications personal property

1. Tax imposed. A state tax is imposed on telecommunications personal property at the rate of 21 mills for the 1988 taxable year and 27 mills in each taxable year thereafter.

2. Determination of just value. The tax imposed by this section is imposed upon the just value of the property.

3. Collection. The State Tax Assessor shall assess, collect and deposit in the General Fund the tax on telecommunications personal property owned or leased

by a telecommunications business. The tax on telecommunications personal property owned or leased by a person who is not a telecommunications business shall be assessed and collected by the local tax assessor and retained for use by the local jurisdiction.

4. Administration. Taxes assessed by the State Tax Assessor under this section shall be levied and collected in the same manner as provided for personal property taxes in the unorganized territory in chapter 107, subchapters III and V.

5. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Telecommunications business" means a person engaged in the activity of providing interactive 2-way communication services for compensation.

B. "Telecommunications personal property" means personal property used for the transmission of any interactive 2-way communications, include voice, image, data and information. Transmission of communications includes the use of any medium such as wires, cables, Community Antenna Television or other broadband cables, microwaves, radio waves, light waves or any combination of those of similar media. Telecommunications personal property includes qualifying property used to provide telegraph service. It does not include property used solely to provide value-added nonvoice services in which computer processing applications are used to act on the form, content, code and protocol of the information to be transmitted, unless those services are provided under tariff approved by the Public Utilities Commission. It does not include single or multiline standard telephone instruments. Notwithstanding section 551, "telecommunications personal property" includes any interest of a telecommunications business in poles.

§458. Continuation of exemption

Telecommunications personal property subject to taxation under this chapter shall continue to be exempt from ordinary local property taxation as formerly provided under section 2696. It is the intent of the Legislature that this section not be considered a new property tax exemption requiring state reimbursement under the Constitution of Maine, Article IV, Part Third, Section 23.

Sec. 2. 36 MRSA §1483, sub-§6, as amended by PL 1965, c. 135, §1 and c. 513, §75, is repealed and the following enacted in its place:

6. Railroads. Vehicles owned by railroad companies subject to the excise tax set forth in chapter 361;

Sec. 3. 36 MRSA §2692-A is enacted to read:

§2692-A. Limitation on tax rate

The tax imposed by this chapter is subject to the following limitations.

1. Rate maximums. Notwithstanding section 2692, the rate effective for gross operating revenues earned in 1987 and 1988 may in no event exceed 3.5%. There shall be no tax on gross operating revenues earned after December 31, 1988.

2. Additional cap. The rate effective for gross operating revenues earned in 1987 and 1988 may not result in a total tax under this chapter and under chapter 103 which is greater than 120% of the amount of tax which would be assessed if this section and chapter 103 were not law, except that in no case may the tax rate on gross operating revenues be less than zero.

Sec. 4. 36 MRSA §2696, as enacted by PL 1985, c. 651, §2, is repealed.

Sec. 5. 36 MRSA c. 364, as amended, is repealed.

Sec. 6. Effective date. Sections 2 and 4 of this Act, shall take effect on January 1, 1988. Section 5 of this Act shall take effect on January 1, 1990.

Effective September 29, 1987, unless otherwise indicated.

CHAPTER 508

H.P. 1227 — L.D. 1676

AN ACT to Establish Field Offices of the Maine Land Use Regulation Commission.

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

12 MRSA §685, as amended by PL 1979, c. 541, Pt. A, §128, is further amended by adding at the end a new paragraph to read:

The commission shall establish and maintain at least 2 field offices, one in Greenville and one in Ashland, designed principally to provide assistance to the public on permit applications and to carry out such other functions of the commission as appropriate. These field offices shall be established in locations chosen to provide the maximum benefit to the public while minimizing costs. Historic levels of permitting activity, the convenience of access and the availability and cost of office facilities shall be considered in choosing the field office locations. Each office shall be open on a part-time basis at least 2 days a month or as public demand for the services of such field offices warrant and as resources allow. Whenever practicable, the commission shall make use of existing personnel to staff these field offices.

Effective September 29, 1987.
