

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

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AS PASSED AT THE
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1987

C. Whether the proposed project primarily involves the maintenance of a health care facility as is; and

D. Whether the health and welfare of any person the health care facility is already serving will be significantly adversely affected if a waiver is not granted.

4. Other action by department. If the department finds that the proposal is not clearly eligible for a waiver of the review requirements, it may elect to conduct an emergency review, a simplified review pursuant to section 308, subsection 1, or a full review.

5. Notification of decision. The department shall notify the applicant of its decision in writing as soon as it determines whether to grant or deny the request for a waiver or decides to conduct a different review in accordance with subsection 4. The notice shall include a brief summary of the reasons for the department's decision.

6. Report to Legislature. The department shall submit an annual report to the joint standing committee of the Legislature having jurisdiction over human resources on the implementation and operation of this section no later than February 15th of each year.

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

Effective April 14, 1988.

CHAPTER 726

H.P. 1549 — L.D. 2109

AN ACT to Clarify Reporting Requirements under the Campaign Finance Laws.

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

Sec. 1. 21-A MRSA §1017, sub-§3, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Reports shall be filed not later than 5 p.m. on the 7th day before the date on which an election is held and must be complete as of the 11th day before that date. The first reports filed in a year in which an election is held must include all contributions made to and all expenditures made by the candidate or committee as of the completion date and must cover not less than the 6 months immediately preceding the completion date. If a previous report was filed, the report must cover the period from the last completion date. Other reports must be complete for the filing period. A filing period is that period of time from one completion date to the next completion date.

Sec. 2. 21-A MRSA §1017, sub-§5-A is enacted to read:

5-A. Valuation of contributions sold at auction. Any contribution received by a candidate that is later sold at auction shall be reported in the following manner.

A. If the contribution is sold at auction before the commencement of the appropriate reporting period specified in subsections 1 to 4, or during that period, the value of the contribution is deemed to be the amount of the purchase price paid at auction.

B. If the contribution is sold after the termination of the appropriate reporting period specified in subsections 1 to 4, the value of the contribution is deemed to be the difference between the value of the contribution as originally reported by the candidate and the amount of the purchase price paid at auction. Unless further reports are filed in relation to a later election in the same calendar year, the disposition of any net surplus or deficit in excess of \$50 resulting from the difference between the auction price and the original contribution value shall be reported in the same manner as provided in subsection 2, paragraph F or subsection 3, paragraph D, as appropriate.

Effective August 4, 1988.

CHAPTER 727

H.P. 1745 — L.D. 2391

AN ACT to Extend the Uses of the Potato Marketing Improvement Fund.

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

Sec. 1. 7 MRSA §973, as amended by PL 1987, c. 319, §2, is further amended to read:

§973. Potato Marketing Improvement Fund

There is created a fund to be known as the Potato Marketing Improvement Fund, to which shall be credited all funds received by the commissioner from any source for the development and implementation of an improved storage, packing and marketing program. Any money credited to the Potato Marketing Improvement Fund from the issuance of bonds on behalf of the State for agricultural development shall be used only for the purposes of state loans as prescribed by section 974-A, to provide assistance to farmers on technical aspects of the design and construction of storage, packing and marketing facilities and to pay the administrative costs of processing loan applications, to the extent that the costs exceed the fee for administrative costs established by section 974-A, subsection 2. Repayment of these loans and interest thereon shall be credited to the Potato Marketing Improvement Fund to be available for making additional state loans for the same purposes, except that any interest earned on the cash balance of the fund may be used for the grants authorized by section 975.

Sec. 2. 7 MRSA §975 is enacted to read:

§975. Grants

All or any portion of the interest earned or accruing on the cash balance of the Potato Marketing Improvement Fund may be used for grants to individuals, firms, corporations or other organizations for any of the following purposes:

1. Partial cost of project. To pay an amount not to exceed 50% of the total cost of any project. The purpose of any project shall be to provide equipment and facilities for washing and otherwise preparing potatoes for packing, such equipment and facilities including, but not limited to, wells, pressure pumps, plumbing and necessary auxiliary equipment. The total amount granted under this subsection for any single year shall not exceed 25% of the aggregate interest earned and attributable to funds from the issuance of state bonds;

2. Research projects. To partially or fully fund specific research projects, the purpose of which is to study and assess technical problems experienced with new and retrofitted storage facilities, and to develop means of dealing with such problems, or to examine, monitor and develop new technologies for the storage and handling of potatoes; and

3. Use and disposal of cull potatoes. To conduct a research program to explore and establish productive uses of cull potatoes, to conduct feasibility studies appropriate to such uses and to conduct research pertaining to the safe and effective disposal of culls not used for productive purposes.

The commissioner, by rule, promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, shall establish criteria for the allocation of grants.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1988-89

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Potato Marketing Improvement Fund

All Other \$300,000

Allocates funds earned as interest on the cash balance of the Potato Marketing Improvement Fund to be used as specified grants to farmers.

Sec. 4. Sunset. This Act is repealed April 15, 1991.

Effective August 4, 1988.

CHAPTER 728

H.P. 1690 — L.D. 2319

AN ACT to Amend the Farm and Open Space Tax Law.

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

Sec. 1. 36 MRSA §1102, sub-§4, as enacted by PL 1975, c. 726, §2, is amended to read:

4. Farmland. "Farmland" means any tract or tracts of land, including woodland and wasteland of at least 10 5 contiguous acres on which farming or agricultural activities have produced a gross income of at least \$2,000 per year in one of the 2 or 3 of the 5 calendar years preceding the date of application for classification of at least:

A. \$1,000 for 10 acres; and

B. \$100 per acre for each acre over 10, with the total income required not to exceed \$2,000.

Gross income as used in this section includes the value of commodities produced for consumption by the farm household. Any applicant for assessment under this subchapter bears the burden of proof as to his qualification.

Sec. 2. 36 MRSA §1102, sub-§5-A is enacted to read:

5-A. Horticultural land. "Horticultural land" means land which is engaged in the production of vegetables, tree fruits, small fruits, flowers and woody or herbaceous plants.

Sec. 3. 36 MRSA §1103, as amended by PL 1977, c. 467, §2, is further amended to read:

§1103. Owner's application

An owner of farmland or open space land may apply for taxation under this subchapter for the calendar year ~~1978~~ 1989, and for subsequent calendar years, at his election by filing with the assessor the schedule provided for in section 1109. The election to apply shall require the unanimous consent of all owners of an interest in that farmland or open space land.

Sec. 4. 36 MRSA §1105, as repealed and replaced by PL 1977, c. 467, §3, is repealed and the following enacted in its place:

§1105. Valuation of farmland and open space land

The municipal assessor, chief assessor or State Tax Assessor for the unorganized territory shall establish the 100% valuation per acre based on the current use value of farmland used for agricultural or horticultural pur-