

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

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

~~dance with this subchapter by 15¢ the Treasurer of State shall pay to the municipality by December 15th of that year the amount certified by the State Tax Assessor.~~

No municipality may receive a reimbursement payment under this section which would exceed an amount determined by calculating the tree growth tax loss less the municipal savings in educational costs attributable to reduced state valuation.

A. The tree growth tax loss is the adjusted tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect minus the tax that was actually assessed on the same lands in accordance with this subchapter.

In determining the adjusted tax that would have been assessed, the tax rate to be used is computed by adding the additional school support required by the modified state valuation attributable to the increased valuation of forest land to the original tax committed and dividing this sum by the modified total municipal valuation. The adjusted tax rate is then applied to the valuation of forest land based on the undeveloped acreage valuations, adjusted by the certified ratio, to determine the adjusted tax.

B. The municipal savings in educational costs is determined by multiplying the school subsidy index by the change in state valuation attributable to the use of the valuations determined in accordance with this subchapter on classified forest lands rather than their valuation using the undeveloped acreage valuations used in the state valuation then in effect.

Sec. 41. PL 1987, c. 852, §§2 and 3 are repealed.

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

Effective May 11, 1988, unless otherwise indicated.

CHAPTER 862

H.P. 1950 — L.D. 2643

AN ACT to Make Necessary Changes to Implement Comprehensive Land Use Planning.

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

Whereas, Public Law 1987, chapter 816, passed as emergency legislation; and

Whereas, this legislation makes necessary changes in that emergency Act which are also needed as an emergency; and

Whereas, in the judgement 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:

PL 1987, c. 816, Pt. A, §1, in that part designated "ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF" in the part relating to "Comprehensive Land Use Planning" is amended to read:

Comprehensive Land Use Planning

| | |
|----------------------|---------|
| Positions | (16) |
| Personal Services | 329,877 |
| All Other | 325,000 |
| Capital Expenditures | 120,000 |

Provides funds for the Office of Comprehensive Land Use Planning. ~~Positions include: Deputy Commissioner, 3 Clerk Typist II's, 3 Planner II's for Grant Administration, 3 Planner II's for Technical Assistance, 2 Planning Educators, a Planner II for Enforcement and 3 Planner II's for Plan Review.~~ The positions include: A Deputy Commissioner which shall be considered a major policy-influencing position and 5 Senior Planners, 4 Planner II's and 2 Coordinators which shall be unclassified positions. There are also authorized 3 Clerk Typist III's and one Administrative Assistant. Also includes \$100,000 for consulting fees for model development and printing costs, \$10,000 for expenses of the Planning Advisory Board, \$75,000 to inventory critical fish and wildlife habitats and \$100,000 for local enforcement salary reimbursements. Capital expenditure funds are for additional space and equipment needs.

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

Effective May 11, 1988.

CHAPTER 863

H.P. 1949 — L.D. 2642

AN ACT to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations.

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

Sec. 1. PL 1987, c. 816, Pt. A, under the caption **INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF**, under the heading Department-wide, is amended to read:

| | |
|-------------------|---------|
| Personal Services | 480,000 |
| | 399,320 |

Sec. 2. Appropriation. The following funds are

appropriated from the General Fund to carry out the purposes of this Act.

1988-89

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Search and Rescue — General Fund

All Other \$80,680

These funds are to reimburse the department for expenditures made to perform search and rescue operations during the fiscal year 1987.

Effective August 4, 1988.

CHAPTER 864

H.P. 1957 — L.D. 2651

AN ACT to Clarify the Application of the Resource Protection Law and the Site Location Law.

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

Sec. 1. 38 MRSA §482, sub-§5, ¶G, as amended by PL 1987, c. 810, §9, is repealed.

Sec. 2. 38 MRSA §482, sub-§5, ¶G-1, as enacted by PL 1987, c. 810, §10, is repealed.

Sec. 3. PL 1987, c. 810, §11 is repealed and the following enacted in its place:

Sec. 11. Application. This Act applies to any division of land occurring after April 19, 1988, except as otherwise provided in this section. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to any application for subdivision approval submitted after April 19, 1988.

For the purposes of Title 12, chapter 206-A, this Act does not apply to sale or lease of lots containing 40 or more acres if a plan of those lots was filed with the registry of deeds and the State Tax Assessor on or before April 19, 1988.

For purposes of Title 30, chapter 239, subchapter V, this Act does not apply to the sale or lease of lots containing 40 or more acres if a plan of those lots was filed with the registry of deeds and the municipal reviewing authority on or before April 19, 1988.

This Act shall not apply to the parcel of land of approximately 343.6 acres in the northwest portion in Township 9 SD which shall not be divided into more than 8 lots and which is subject to a conservation easement to the State, as described in the agreement between the State and Prentiss and Carlisle Company, Inc., dated April 1, 1988, if that agreement is enacted into law.

Sec. 4. PL 1987, c. 812, §18 is repealed and the following enacted in its place:

Sec. 18. Application. Notwithstanding the Maine Revised Statutes, Title 1, section 302, this Act applies to developments for which applications are pending before the Department of Environmental Protection on the effective date of this Act, but not determined to be complete by the department prior to April 21, 1988, or, for those developments as defined in this Act which do not require approval by the Department of Environmental Protection under the law in effect on April 21, 1988, this Act applies to developments which, prior to April 21, 1988, have not had at least one substantive municipal review, as determined by the municipal reviewing authority and which have not been determined to have complete applications by the municipal reviewing authority. This Act does not apply to the sale or lease of a lot contained in a subdivision that did not require approval by any governmental authority under the law in effect on April 21, 1988, if a plat of the subdivision was recorded in the registry of deeds of the county where it is located before April 21, 1988.

Effective August 4, 1988.

CHAPTER 865

H.P. 1946 — L.D. 2641

AN ACT to Clarify the Sales Tax Exemption on Scheduled Airlines.

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

Sec. 1. 36 MRSA §1760, sub-§48, as repealed and replaced by PL 1987, c. 522, §1, is amended to read:

48. Scheduled airlines. The sale or lease of an aircraft, or replacement or repair parts of an aircraft, used by a scheduled airline, based in this State, and which is regularly used in the performance of service under the regulations of the Civil Aeronautics Board, Part 298 or under the United States Code, Title 49, Section 1371. ~~This subsection is repealed on October 1, 1989. This subsection shall take effect retroactively beginning on January 1, 1984, and shall remain in effect until October 1, 1989.~~

Sec. 2. Certification. The State Budget Officer, after consulting with the Director of the Office of Fiscal and Program Review shall certify to the Governor and Legislative Council, on or before the effective date of this Act, but no later than August 15th, the amount of General Fund unappropriated surplus available to fund the purpose of this Act. If the certified amount is insufficient to fund the purpose of this Act, the State Budget Officer shall recommend to the Governor appropriate actions necessary to provide alternative methods of funding the remaining balance.

Effective August 4, 1988.