

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

that producer would otherwise be entitled under this paragraph in order to avoid potential inequities arising from equal redistribution of the pool. For purposes of this paragraph, "additional premium" means such part of the price of milk paid by a dealer:

(1) To a Maine market producer which exceeds the base minimum price and is not part of an over-order premium established by the Maine Milk Commission and which the commissioner determines is not based on the performance of that producer as determined on the basis of bona fide criteria relating to milk quality, milk production or milk composition; and

(2) To a Boston market producer which exceeds the appropriate federal order plant price, is not a part of a premium attributable to the activity of an eligible marketing cooperative and which the commissioner determines is not based on the performance of that producer as determined on the basis of bona fide criteria relating to milk quality, milk production or milk composition.

For purposes of calculating the credits for additional premiums under this paragraph, the terms "Maine market producer" and "Boston market producer" shall not include an agricultural cooperative that buys or handles milk from a producer and sells it to a dealer.

Sec. 4. Sunset. Sections 2 and 3 of this Act are repealed on October 31, 1988.

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

Effective September 19, 1988.

CHAPTER 875

S.P. 1021 — L.D. 2677

AN ACT to Clarify the Implementation of the Overboard Discharge Replacement Fund and the Overboard Discharge Assistance Fund.

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

Whereas, the 113th Legislature, during the Second Regular Session, enacted Public Law 1987, chapter 846, "AN ACT to Assist Homeowners and Businesses to Comply with the Overboard Discharge Law"; and

Whereas, Public Law 1987, chapter 846, section 14 contains a technical error; and

Whereas, this error may cause uncertainty and confusion in interpreting legislative intent; and

Whereas, it is important that this uncertainty and con-

fusion be resolved in order to prevent any hardship to the citizens of Maine; 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:

PL 1987, c. 846, Sec. 14 is repealed and the following enacted in its place:

Sec. 14. Implementation. To the extent existing resources are available, the Finance Authority of Maine and the Maine State Housing Authority may begin to accept applications for and provide loans, loan guarantees and grants as provided in this Act. To the extent additional resources are required, the Finance Authority of Maine and the Maine State Housing Authority may begin to accept applications for loans, loan guarantees and grants as provided in this Act upon appropriation or allocation of funds by the Legislature for those purposes.

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

Effective September 23, 1988.

CHAPTER 876

H.P. 1983 — L.D. 2686

AN ACT to Return Surplus Revenues to the Taxpayers of Maine.

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

Whereas, it is the intent of the Legislature and the Governor to return \$60,000,000 in excess revenue collections to the people of the State of Maine as soon as possible; and

Whereas, it is necessary that the State Tax Assessor take certain action pursuant to this legislation prior to the expiration of the 90-day period; 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. 4 MRSA §118, as enacted by PL 1975, c. 383,

§4, is repealed.

Sec. 2. 5 MRSA §1515 is enacted to read:

§1515. Corporate Income Tax Investment Credit Fund

1. Corporate Income Tax Investment Credit Fund. There is established a Corporate Income Tax Investment Credit Fund for the purpose of reserving the money appropriated to it awaiting transfer to fund a one-time tax credit for corporate investments in new, used or leased tangible personal property which is placed in service in Maine during the 1989 calendar year and is directly related to the production of goods and services.

2. Enactment of credit. The joint standing committee of the Legislature having jurisdiction over taxation shall develop the specific provisions of the tax credit. The committee shall report its findings and any recommended legislation to the First Regular Session of the 114th Legislature. This program shall be finalized by April 30, 1989.

Sec. 3. 36 MRSA §578, sub-§1, as amended by PL 1987, c. 861, §40, is further amended to read:

1. Organized areas. The municipal assessors or chief assessor of a primary assessing area shall adjust the State Tax Assessor's 100% valuation per acre for each forest type of their county by whatever ratio, or percentage of current just value, is then being applied to other property within the municipality to obtain the assessed values. Forest land in the organized areas, subject to taxation under this subchapter, shall be taxed as the property tax rate applicable to other property in the municipality, which rate shall be applied to the assessed values so determined.

The State Tax Assessor is authorized to make provisional payment of up to 75% of any municipal claim found to be in satisfactory form. The payment shall be made within 90 days after receipt of a satisfactory claim and shall be presented for final settlement to the Legislature next convening.

In tax years beginning on or after April 1, 1988, the State Tax Assessor shall determine annually the amount of acreage in each municipality which is classified and taxed in accordance with this subchapter. A municipality actually levying and collecting municipal property taxes and within whose boundaries this acreage lies shall receive annual payments from money so appropriated by the Legislature provided it submits an annual return in accordance with section 383; and it achieves the appropriate minimum assessment ratio described in section 327. For the property tax year based on the status of property on April 1, 1988, the per acre reimbursement amount shall increase from 15¢ to 24¢. ~~For the property tax year based on the status of property on April 1, 1989, the per acre reimbursement shall be 65% of the per acre tax revenue lost as a result of this subchapter.~~ For property tax years based on the status of property on

April 1, ~~1990~~ 1989, or thereafter, the per acre reimbursement shall be 90% of the per acre tax revenue lost as a result of this subchapter. For purposes of this section, the tax lost is the 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, or according to the current local valuation on undeveloped acreage, whichever is less, minus the tax that was actually assessed on the same lands in accordance with this subchapter.

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. 4. 36 MRSA §6162-A, sub-§2, as enacted by PL 1987, c. 528, §2, is repealed and the following enacted in its place:

2. Income. Eligibility for this program shall be determined by the same income levels as eligibility for elderly households is determined under chapter 907.

Sec. 5. 36 MRSA §6207, sub-§1, as repealed and replaced by PL 1987, c. 839, §3, is amended to read:

1. Benefit calculation. For claimants representing a nonelderly household, the benefit is ~~33-1/3%~~ 50% of the amount by which the benefit base exceeds 4.5% of income to a maximum payment of \$250 ~~\$400~~.

Sec. 6. 36 MRSA §6302, sub-§3, as enacted by PL

1987, c. 832, §2, is amended to read:

3. Eligible taxpayers. A potentially eligible taxpayer whose 1987 Maine tax liability which, when multiplied by the eligibility ratio, is greater than the 1987 exemption credit computed in accordance with section 5131 shall be eligible for a rebate under this chapter. A potentially eligible taxpayer is also an individual who must file a return on or before October 15, 1988 or an individual taxpayer who files a timely return on a fiscal period beginning after January 1, 1987, but before December 31, 1987.

Sec. 7. 36 MRSA c. 910 is enacted to read:

CHAPTER 910

1988 INDIVIDUAL SURPLUS RETURN ACT

§6401. Short title

This chapter shall be known and may be cited as the "1988 Individual Surplus Return Act."

§6402. Surplus return procedure

The following procedure shall be used to identify the taxpayers entitled to a return, the amount of that return and the manner of the return.

1. Eligible taxpayers. An individual who files a 1987 Maine individual income tax return no later than October 15, 1988, or an individual who files a 1987 Maine individual income tax return for a fiscal period beginning after January 1, 1987, but no later than December 31, 1987, on or before its due date with any valid extensions is eligible for a return under this chapter.

2. Return amount. The amount to be returned to an eligible taxpayer is determined in accordance with the following:

- A. 12.5% of the first \$500 of tax liability;
- B. 10.5% of the tax liability between \$501 and \$2,500; and
- C. 2.0% of tax liability in excess of \$2,500.

3. Manner of return. The State Tax Assessor shall perform the calculations required by this chapter by September 28, 1988, on returns then present on the computer system. The State Tax Assessor shall commence to provide the State Controller with the necessary information for issuing surplus return checks no later than October 3, 1988. No rebate check may be issued for any amount less than \$5. Individuals whose income tax returns are processed after September 28, 1988, who are entitled to a return of surplus will be forwarded the appropriate check as soon as administratively possible.

Amounts determined for individuals as return of surplus are subject to setoff against outstanding tax liabilities.

The Treasurer of State shall issue by November 1, 1988, all surplus return checks which can be administratively processed by that time.

Sec. 8. 36 MRSA c. 911 is enacted to read:

CHAPTER 911

1988 CORPORATE SURPLUS RETURN ACT

§6501. Short title

This chapter shall be known and may be cited as the "1988 Corporate Surplus Return Act."

§6502. Return rates

The surplus return to every eligible corporate taxpayer shall be \$200 or the actual 1987 corporate tax, whichever is less.

§6503. Eligible taxpayer

To be eligible, a taxpayer must file a 1987 corporate income tax return on or before its due date with any valid extensions.

§6504. Surplus return checks

The State Tax Assessor shall provide to the State Controller, on a quarterly basis commencing in January 1989, the necessary information for surplus return check issuance as determined in accordance with this chapter. The amounts determined for return of surplus are subject to setoff against outstanding tax liabilities of the corporation.

The Treasurer of State shall issue the surplus return checks. No rebate check is to be issued for any amount less than \$5.

Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

FINANCE, DEPARTMENT OF

Corporate Income Tax Investment
Credit Fund Program

All Other \$ 5,000,000

Provides funds for one-time corporate income tax credits in accordance with section 2 of this Act.

Tree Growth Tax Reimbursement Supplement Program

All Other 700,000

Provides funds to increase the tree growth reimbursement ratio from 65% to 90% in fiscal year 1990 in accordance with section 2 of this Act.

dance with section 3 of this Act. These funds shall not lapse, but shall be carried forward to be used for the same purpose until June 30, 1990.

Low-Income Tax Relief Supplement Program

All Other 8,000,000

Provides funds to expand the benefit portion of the Low-Income Tax Relief Program for the next biennium in accordance with section 5 of this Act. The additional cost is estimated to be \$4,000,000 in fiscal year 1990 and \$4,000,000 in fiscal year 1991. These funds shall not lapse, but shall be carried forward to be used for the same purpose until June 30, 1991.

Individual Income Tax Surplus Return Fund Program

All Other 41,800,000

Provides funds for return of individual income tax surplus in accordance with section 7 of this Act.

Corporate Income Tax Surplus Return Fund Program

All Other 1,395,000

Provides funds for corporate income tax surplus return in accordance with section 8 of this Act.

Bureau of Taxation

All Other 175,000

Provides funds to meet administrative costs related to issuing checks in accordance with section 7 and section 8 of this Act.

Court Facilities Payment Fund Program

All Other 1,528,000

Provides funds to offset the loss of General Fund revenue in accordance with section 1 of this Act. These funds are to be transferred to the General Fund in the amount of \$764,000 in fiscal year 1990 and \$764,000 in fiscal year 1991. These funds shall not lapse, but shall be carried forward to be used for the same purpose until June 30, 1991.

DEPARTMENT OF FINANCE TOTAL

\$58,598,000

HUMAN SERVICES, DEPARTMENT OF

Free Drugs to Maine's Elderly Supplement Program

All Other \$ 1,400,000

Provides funds to allow for an increased number of eligible participants in this program in accordance with section 4 of this Act. A total of \$700,000

is provided for fiscal year 1990 and \$700,000 is provided for fiscal year 1991. These funds shall not lapse, but shall be carried forward to be used for the same purposes.

DEPARTMENT OF HUMAN SERVICES TOTAL

\$ 1,400,000

TREASURER OF STATE, OFFICE OF

Administration — Treasury

All Other \$ 30,000

Provides funds to meet the administrative expenses associated with issuing checks in accordance with section 7 and section 8 of this Act.

TREASURER OF STATE, OFFICE OF TOTAL

\$ 30,000

TOTAL APPROPRIATIONS

\$60,028,000

Sec. 10. Effective date. Sections 1, 4 and 5 of this Act are effective July 1, 1989.

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

Effective September 23, 1988, unless otherwise indicated.

CHAPTER 877

H.P. 1965 — L.D. 2662

AN ACT Making Appropriations for Additional Staff to the Office of Employee Assistants for the Workers' Compensation Commission.

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

Whereas, the increased case load and informal conferences of the Workers' Compensation Commission necessitates immediate additional staff to the Office of Employee Assistants so that the commission may carry out its purposes; 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. 39 MRSA §92, sub-§6, as amended by PL 1987, c. 454, §1, is further amended to read:

6. Office of Employee Assistants. The chairman shall provide adequate funding for an Office of Employee