

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

Sec. 10. 13-A MRSA §1301, sub-§5, as amended by PL 1975, c. 439, §11, is further amended to read:

5. The shareholders of a domestic or foreign corporation which has been excused pursuant to subsection 4 may vote to resume transacting business at a meeting duly called and held for such purpose. A certificate executed and filed as provided in sections 104 and 106 setting forth that a shareholders' meeting was held, the date and location of same, and that a majority of the shareholders voted to resume transacting business shall authorize such corporation to transact business; and after such certificate is filed, it shall be required to file annual reports.

Sec. 11. 13-A MRSA §1302, sub-§1, as amended by PL 1987, c. 32, is further amended to read:

1. Any corporation required to file an annual report as provided by section 1301 which fails to deliver its annual report for filing ~~on or before June 1st of each year~~ by the date specified in the provisions of section 1301 shall pay to the Secretary of State, in addition to the regular annual report fee, the sum of \$25 for each ~~30-day period month, or portion thereof following the month required for delivery,~~ the report is not filed. In no case may this penalty exceed \$300, regardless of the number of delinquent reports or the period of delinquency. Upon failure to file an annual report and to pay the annual report fee or the penalty, the Secretary of State, notwithstanding Title 4, chapter 25, and Title 5, chapter 375, shall ~~revoke~~ suspend a foreign corporation's authority to do business in this State and suspend a domestic corporation from doing business. ~~He~~ The Secretary of State shall use the procedures set forth in section 1210, relative to ~~revoking~~ suspending the right of foreign corporations to do business in this State, for suspending domestic corporations. A ~~foreign corporation whose authority to do business in this State has been revoked~~ suspended from doing business under this subsection and which wishes to do business again in this State ~~must be authorized as provided in section 1202.~~ A domestic corporation which has been suspended under this subsection may be reinstated by filing the current annual report and by paying the penalty accrued.

Sec. 12. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

SECRETARY OF STATE, DEPARTMENT
OF

Administration — Secretary of State

All Other \$50,000

Provides funds for computer programming related to staggering the filing dates of corporation reports.

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

Effective September 23, 1988.

CHAPTER 880

H.P. 1991 — L.D. 2693

AN ACT to Clarify the Maine Jobs and Investment Tax Credit Law.

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

Whereas, the Maine jobs and investment tax credit law was enacted by Public Law 1978, chapter 722 to allow a credit against income taxes for businesses making an investment of at least \$5,000,000 in Maine and creating at least 200 new jobs as a result of that investment; and

Whereas, the jobs and investment tax credit law contains certain technical deficiencies; and

Whereas, these deficiencies are defeating the original intent of the law; 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 §5215, sub-§2, ¶B, as enacted by PL 1977, c. 722, is amended to read:

B. The term "new jobs credit base" means the excess of Maine Employment Security Commission wages for the taxable year of the qualified investment or the next calendar year over the Maine Employment Security Commission wages for the highest of the 3 preceding taxable calendar years preceding the year of the qualified investment. In computing its new jobs credit base, a successor-taxpayer shall add to its own Maine Employment Security Commission wages the Maine Employment Security Commission wages of its predecessor.

Sec. 2. 36 MRSA §5215, sub-§3, ¶B, as amended by PL 1985, c. 535, §17, is further amended to read:

B. With a payroll records and reports substantiating that at least 200 new jobs, attributable to the operation of property considered to be a qualified investment, were created in the 12-month period following the date the property was placed in service. To assess the continuing nature of the jobs, the taxpayer shall demonstrate that the new jobs credit base which increases by is at least \$1,400,000 for the taxable year of the qualified federal credit and is attributable to the operation of property considered to be a qualified investment or the next calendar year. The \$1,400,000 is

to be adjusted proportionally for any change in Title 26, section 1043, subsection 2 wages from \$7,000.

Sec. 3. 36 MRSA §5215, sub-§7, as amended by PL 1985, c. 535, §18, is further amended to read:

7. Legislative findings. The Legislature finds the encouragement of the growth of major industry in the State to be in the public interest and for the promotion of the general welfare of the people of the State; and that the use of investment tax credits to encourage industry to make substantial capital investments in the State is necessary to promote the purpose of the Legislature of encouraging the growth of industry; and that the Legislature further finds that the selecting of limits of \$5,000,000 in qualified investment in the State and an increase of a new job credit base of ~~\$1,400,000 for a taxable year~~ 200 new jobs following the investment are reasonable qualifying criteria for the application of an investment tax credit and will best promote substantial capital investment in the State.

Sec. 4. **Effective date.** This Act shall apply to all tax returns for tax years beginning on or after January 1, 1985, notwithstanding prior amendments to the law.

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

Effective September 23, 1988.

CHAPTER 881

H.P. 1985 — L.D. 2688

AN ACT to Amend the Maine Student Educational Enhancement Deposit Program.

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

Whereas, college tuition prepayment plans have been adopted by several states as a way to assist parents and others to better plan for the expense of a post-secondary education; and

Whereas, at least one state has implemented its college tuition prepayment plan, providing a model for other states to follow; and

Whereas, the Maine Legislature created the Student Educational Enhancement Deposit Plan, or SEED Plan, to serve as a college tuition prepayment plan for Maine students, their families and others; and

Whereas, the SEED Plan was determined by the Legislature to be an appropriate response to the needs of Maine people for greater preparedness in planning for the cost of post-secondary education; and

Whereas, considerable public attention has been given to the SEED Plan and the promise it offers, through its adoption in 1987, of an alternative funding option for those concerned about the cost of post-secondary education; and

Whereas, the Board of Trustees of the SEED Plan have indicated that the original law as drafted has made it difficult for them fully to develop a prepayment plan that meets the intent of the Legislature; and

Whereas, the Board of Trustees has said it will not take further action unless and until further direction is provided by the Legislature; and

Whereas, the Legislature must clarify its expectations of the Board of Trustees and the Department of Educational and Cultural Services in order to make sure the intent of the original SEED legislation is respected; 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:

20-A MRSA §12611-A is enacted to read:

§12611-A. Amendments; alternative plans

1. Amendments to chapter. If the board determines that amendments to the chapter are necessary in order to enhance the options available to Maine families for affordable and predictable financing of post-secondary education, it may propose the necessary legislation.

2. Alternate plans. The board may develop alternative post-secondary financing plans under the Maine Student Educational Enhancement Deposit Program which are different from the prepaid tuition plan provided in this chapter. Any such alternative plans shall be promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 and shall be submitted to the joint standing committee of the Legislature having jurisdiction over education for review.

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

Effective September 23, 1988.

CHAPTER 882

S.P. 1023 — L.D. 2679

AN ACT to Modify the Radiation Protection Services Statute for Commercial Nuclear Power Facilities in the State.