

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

3. Funds transferred. Notwithstanding the Maine Revised Statutes, Title 5, sections 1585 and 1586, all accrued expenditures, assets, liabilities, balances or allocations, transfers, revenues or other available funds in any account or subdivision of an account of the State Capitol Commission and authorized for use by or for the State Capitol Commission shall be reallocated to the State House and Capitol Park Commission.

4. Policies; plans; contracts. All policies, plans and contracts adopted or executed during the existence of the State Capitol Commission remain in effect and are authorized and ratified unless rescinded, changed or terminated by the Legislative Council.

5. Equipment and property transferred. All equipment and property of the State Capitol Commission shall be transferred to the State House and Capitol Park Commission unless the Legislative Council authorizes a different policy.

6. Personnel. All employees employed by the Legislative Council to work with the State Capitol Commission shall continue to be treated as state employees for purposes of rights and benefits under the Maine State Retirement System. These employees shall work with the State House and Capitol Park Commission unless the Legislative Council terminates or changes this policy.

The accrued fringe benefits of these expenditures, including vacation and sick leave, health and life insurance and retirement, shall remain with these employees.

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

Effective June 22, 1989.

CHAPTER 411

H.P. 368 - L.D. 499

An Act to Prohibit Local Assessors from Using the Phantom House Lot Method of Valuation

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

Sec. 1. 36 MRSA c. 105, sub-c. V-A is enacted to read:

SUBCHAPTER V-A

UNDEVELOPED LAND VALUATION

§721. Purpose

In order to encourage a more uniform and accurate approach to the local valuation of undeveloped land, this subchapter provides assessors with a benchmark value of undeveloped land in the region within which their local

jurisdiction is located, and requires assessors to establish the basis for deviations from this benchmark value.

§722. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Assessor. "Assessor" means the State Tax Assessor with respect to the unorganized territory and the respective municipal assessors with respect to the organized areas.

2. Parcel. "Parcel" means contiguous land under the same ownership uninterrupted by intervening ownership, except for roads, rights-of-way or easements.

3. Undeveloped land. "Undeveloped land" means land without improvements or structures, and does not include waterfront acreage or areas zoned or in some stage of development, or commercial, industrial or development districts.

§723. Applicability

This subchapter shall have mandatory application to parcels consisting of at least 5 acres of undeveloped land. The approach to valuing the undeveloped land applies exclusively to the portion of the parcel determined to be undeveloped land.

§724. Base land values

The Bureau of Taxation shall annually, before March 1st, establish by rule base land values for undeveloped land by region for the entire State. One base value per region will be established. The values established by March 1st are to apply to the tax year based on the status of property as of April 1st of the same calendar year. Regions will be determined by the Bureau of Taxation and shall not divide minor civil divisions. The availability of adequate sales data and locational relationships shall be considered in determining regions. The base land value for undeveloped land by region will be the mean value per acre computed from sales data for the region.

§725. Sales data

The sales data for use in determining the mean value per acre will be obtained from declaration of value forms transmitted, pursuant to section 4641-D, to the Bureau of Taxation. Sales occurring during the 3-year period ending June 30th of the year prior to the March 1st deadline are to be considered. Based on information provided to the Bureau of Taxation, only sales which meet the following criteria are to be included in determining the mean value per acre:

1. Forty-acre parcels or larger. Sales of parcels of 40 acres or more;

2. No buildings or improvements. Sales of parcels without buildings or improvements to the land;

3. "Arm's length" transactions. Sales of parcels occurring at "arm's length" only; and

4. No subdivision, development or speculative resale. Sales of parcels known or expected to result in subdivision, development or speculative resale for either purpose.

§726. Valuation of land

In determining the just value of undeveloped land, an assessor is to consider the base land value for the region. If an assessor finds that the just value of undeveloped land for any or all parcels containing at least 5 acres of undeveloped land within the local tax jurisdiction is different from the base land value, the assessor has the burden of establishing a reasonable alternative analysis of value to arrive at just value for the local jurisdiction. Such analysis is to be in writing and available for public inspection. When used for assessment purposes, the base land value is to be applied only to the portion of the parcel which is undeveloped. The assessor is to determine those areas of a parcel which are undeveloped land; areas which are associated with improvements or structures are to be excluded. The assessment book, or property record cards if utilized by the jurisdiction, shall indicate that amount of any parcel which is determined to be undeveloped land.

Sec. 2. Effective date. This Act shall take effect with regard to property tax years based on the status of property as of April 1, 1990, or thereafter.

See title page for effective date, unless otherwise indicated.

CHAPTER 412

H.P. 919 - L.D. 1285

An Act Regarding the Review of the Workers' Compensation Denials

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

Sec. 1. 39 MRSA §103-B, sub-§2, as enacted by PL 1981, c. 514, §6, is amended to read:

2. Basis. There shall be no appeal upon questions of fact found by the commission or by any commissioner, except to correct manifest error or injustice.

Sec. 2. 39 MRSA §103-B, sub-§2-A is enacted to read:

2-A. Basis. There shall be no appeal upon questions of fact found by the commission or by any commissioner.

Sec. 3. Report. The chair of the Workers' Compensation Commission shall report to the joint standing committee of the Legislature having jurisdiction over labor matters by January 1, 1991, regarding the implementation and effect of this Act. The report shall include a summary

description of the number of cases in which questions of fact were appealed by the parties, the results of those appeals, the effect of those additional appeals upon the case load of the Workers' Compensation Commission, Appellate Division, and any other relevant information.

Sec. 4. Repeal. The Maine Revised Statutes, Title 39, section 103-B, subsection 2, as amended in this Act, is repealed on June 30, 1991.

Sec. 5. Effective date. Section 2 of this Act shall take effect on June 30, 1991.

Sec. 6. Application. Section 1 of this Act applies only to decisions issued by a Workers' Compensation Commission commissioner on or after the effective date of that section. Section 2 of this Act applies only to decisions issued by a Workers' Compensation Commission commissioner on or after the effective date of that section.

See title page for effective date, unless otherwise indicated.

CHAPTER 413

H.P. 693 - L.D. 945

An Act Making It Illegal to Possess Lobsters Caught Illegally

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

Sec. 1. 12 MRSA §6432, sub-§5 is enacted to read:

5. Penalty for possession. Possession of lobsters other than caught by the method specified in subsection 1 is a Class D crime, except that in addition to any punishment that may be imposed under Title 17-A, Part 3, the court shall impose a fine of \$25 for each violation and, in addition, a fine of \$30 for each lobster involved.

Sec. 2. 12 MRSA §6443 is enacted to read:

§6443. Underwater storage

Beginning January 1, 1990, any trap or other container used for storing lobsters beneath the surface of the coastal waters must be clearly marked with the wholesale seafood license number or the fishing license number of the person storing the lobsters. Any trap or other container and the contents in it found in violation of this section may be seized and the contents returned to their natural habitat.

See title page for effective date.