

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

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

covered with snow to prevent direct damage to the vegetation.

Sec. 72. 12 MRSA §7857, sub-§24, ¶E-1, as enacted by PL 1985, c. 762, §22 is amended to read:

E-1. Notwithstanding subsection 16, ATV's manufactured prior to January 1, 1991, without a headlight or taillight are exempt from the provisions of that subsection while being operated between the hours of sunrise and sunset.

Sec. 73. 12 MRSA §7863, sub-§4, as amended by PL 1981, c. 414, §39, is further amended to read:

4. Illegal use of firearm during training or field trials. A Except as otherwise provided in subsection 5, a person is guilty of illegal use of a firearm during training or field trials if, during the training or field trials permitted in section 7862, subsection 1, and section 7861, subsection 1 sections 7861 and 7862, he that person uses or possesses any firearm other than a pistol or shotgun loaded with blank ammunition, except during open season for hunting.

Sec. 74. 12 MRSA §7910, sub-§5, as enacted by PL 1979, c. 420, §1, is repealed.

Sec. 75. PL 1989, c. 52 is repealed.

Sec. 76. Effective date. The Maine Revised Statutes, Title 12, section 7463-A, subsection 4, as amended in this Act and Title 12, section 7463-A, subsection 4-A, as enacted in this Act, shall take effect January 1, 1990.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except for section 19 and sections 51 to 54 which shall take effect on January 1, 1990.

Effective June 29, 1989, unless otherwise indicated.

CHAPTER 494

H.P. 196 - L.D. 276

An Act to Provide a Special Adjustment for Border Hospitals Experiencing Economic Hardship

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

Whereas, certain border hospitals are experiencing economic hardship that may result in the loss of valuable health services in border communities unless special relief is provided rapidly through the hospital regulatory system; and

Whereas, the necessary relief cannot be provided without changes in the current 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:

22 MRSA §396-D, sub-§9-B is enacted to read:

9-B. Special relief for border hospitals. In determining financial requirements for a border hospital's 5th payment year, the commission shall make a special adjustment in accordance with the following provisions:

A. As used in this subsection, the following terms have the following meanings:

(1) "Border hospital" means a Maine hospital located within 10 miles of the New Hampshire border.

(2) "Economic hardship" means an excess of reasonably budgeted, noncapital, acute care operating expenses over noncapital financial requirements.

(3) "5th payment year" means a hospital's payment year beginning or deemed to begin on or after October 1, 1988, and before October 1, 1989.

B. In considering an adjustment under this subsection, the commission shall determine the extent to which the hospital has demonstrated that its economic hardship is attributable to unique circumstances affecting border hospitals. In no event may an adjustment under this subsection exceed the portion of a hospital's economic hardship attributed to the unique circumstances of border hospitals.

C. This adjustment may be made during the course of the 5th payment year. An adjustment under this subsection shall become part of payment year financial requirements for purposes of computing subsequent payment year financial requirements pursuant to section 396-C.

D. This subsection is repealed October 1, 1991.

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

Effective June 29, 1989.

CHAPTER 495

H.P. 124 - L.D. 161

An Act to Amend the Maine Income Tax Laws

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

Sec. 1. 36 MRSA §5111, as repealed and replaced by PL 1987, c. 819, §2, is repealed and the following enacted in its place:

§5111. Imposition and rate of tax

A tax is imposed for each taxable year beginning on or after January 1, 1989, on the Maine taxable income of every resident individual of this State. The amount of the tax is to be determined as follows.

1. Single individuals and married persons filing separate returns. For single individuals and married persons filing separate returns:

<u>If Maine taxable income is:</u>	<u>The tax is:</u>
<u>Less than \$4,000</u>	<u>2% of the Maine taxable income</u>
<u>At least \$4,000 but less than \$8,000</u>	<u>\$80 plus 4.5% of the excess over \$4,000</u>
<u>At least \$8,000 but less than \$16,000</u>	<u>\$260 plus 7% of the excess over \$8,000</u>
<u>\$16,000 or more</u>	<u>\$820 plus 8.5% of the excess over \$16,000</u>

2. Heads of households. For unmarried individuals or legally separated individuals who qualify as heads of households:

<u>If Maine taxable income is:</u>	<u>The tax is:</u>
<u>Less than \$6,000</u>	<u>2% of the Maine taxable income</u>
<u>At least \$6,000 but less than \$12,000</u>	<u>\$120 plus 4.5% of the excess over \$6,000</u>
<u>At least \$12,000 but less than \$24,000</u>	<u>\$390 plus 7% of the excess over \$12,000</u>
<u>\$24,000 or more</u>	<u>\$1,230 plus 8.5% of the excess over \$24,000</u>

3. Individuals filing married joint return or surviving spouses. For individuals filing married joint returns or surviving spouses permitted to file a joint return:

<u>If Maine taxable income is:</u>	<u>The tax is:</u>
<u>Less than \$8,000</u>	<u>2% of the Maine taxable income</u>
<u>At least \$8,000 but less than \$16,000</u>	<u>\$160 plus 4.5% of the excess over \$8,000</u>

<u>At least \$16,000 but less than \$32,000</u>	<u>\$520 plus 7% of the excess over \$16,000</u>
<u>\$32,000 or more</u>	<u>\$1,640 plus 8.5% of the excess over \$32,000</u>

Additionally, a tax is imposed for each taxable year beginning on or after January 1, 1989, on the Maine adjusted gross income of every nonresident individual. The amount of the tax shall equal the tax computed under this section and chapter 805, as if the nonresident were a resident, less applicable tax credits other than that provided by section 5217, and multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the nonresident's entire federal adjusted gross income, as modified by section 5122.

Sec. 2. 36 MRSA §5124-A, as repealed and replaced by PL 1987, c. 819, §6, is repealed and the following enacted in its place:

§5124-A. Standard deduction; resident

The standard deduction of resident taxpayers shall conform to the allowable federal standard deduction of the taxpayer.

Sec. 3. 36 MRSA §5126, as repealed and replaced by PL 1987, c. 772, §37 and c. 819, §8, is repealed and the following enacted in its place:

§5126. Personal exemptions

A resident individual shall be allowed \$2,000 for each exemption to which the individual is entitled for the taxable year for federal income tax purposes, unless the taxpayer is claimed as a dependent on another return. No additional exemption may be allowed for taxpayers over 65 years of age or blind. The nominal dollar amount of this section shall be subject to annual adjustment under section 5403.

Sec. 4. 36 MRSA §5250, sub-§2, ¶B, as enacted by P&SL 1969, c. 154, §F, is amended to read:

B. The amount of each exemption in this State shall be ~~\$1,000~~ the same as that determined in section 5126 whether individual is a resident or a nonresident.

Sec. 5. 36 MRSA §5402, sub-§1-A, as amended by PL 1987, c. 819, §13, is repealed.

Sec. 6. 36 MRSA §5402, sub-§§2 and 3, as amended by PL 1987, c. 430, §1, are further amended to read:

2. Percentage adjustment factor. "Percentage adjustment factor" means ~~1/2 of~~ the percentage change in the Consumer Price Index for the 12-month period ending June 30th of the calendar year in which the current taxable year begins over ~~the base year index~~ the Consumer Price Index for the prior 12-month period expressed as a decimal rounded to the nearest one-thousandth.

3. Inflation factor. "Inflation factor" means the percentage adjustment factor plus $\pm .965$. ~~The inflation factor for any taxable year shall not exceed a 7% change from the prior year. In any year when the change exceeds 7%, an inflation factor so limited shall be utilized.~~

Sec. 7. 36 MRSA §5403, as repealed and replaced by PL 1987, c. 819, §14, is amended to read:

§5403. Annual adjustments for inflation

For tax years beginning in ~~1988~~ 1989, no annual adjustment is applicable. Thereafter, on or about September 15th of each taxable year, the State Tax Assessor shall multiply the inflation factor for that taxable year by the dollar amounts of the tax rate table specified in section 5111 as adjusted in the prior year. The dollar amounts of the dollar bracket amounts, adjusted by application of the inflation factor and rounded to the nearest ~~\$100~~ \$50, shall be effective for the then current taxable year and shall be incorporated into the income tax forms and instructions of the State Tax Assessor for that taxable year. If the inflation factor for any taxable year is 1.000 or less, no adjustment shall be made for that taxable year in the dollar bracket amounts of the tax rate tables as adjusted for the previous year. ~~The nominal dollar amounts of the tax credits provided in sections 5124-A and 5126 are annually subject to adjustment based on the conformity of the Maine Income Tax Law to the Code. When Maine extends its conformity to the Code for a particular taxable year, the credits provided in sections 5124-A and 5126 are to be adjusted to equal the corresponding indexed federal standard deductions and indexed federal personal exemption amount multiplied by 2% and, if the result is not an even dollar amount, rounded to the next higher dollar.~~

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

FINANCE, DEPARTMENT OF

Individual Income Tax Surplus
Return Fund Program

All Other \$16,500,000

Provides funds to reimburse the General Fund for revenues lost that otherwise would have been collected except for the changes in income tax rates enacted in this Act. These funds shall not lapse, but shall be carried forward until June 30, 1991, to be used for the same purpose. These funds shall be transferred to the General Fund by the State Controller on a monthly basis to offset the impact of lower monthly revenue collections.

See title page for effective date.

CHAPTER 496

S.P. 580 - L.D. 1642

An Act to Establish an Advisory Committee on Home Health

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

Sec. 1. 5 MRSA §12004-I, sub-§42-A is enacted to read:

42-A. Human Services Advisory Committee on Home Health Expenses Only 22 MRSA §2150

Sec. 2. 22 MRSA §2150 is enacted to read:

§2150. Advisory Committee on Home Health

1. Committee established and charged. In order to promote the availability and accessibility of home health services, to monitor the policy of the Bureau of Medical Services in regard to home health services and to advise the Bureau of Medical Services on provisions of the Medicaid program which affect the development and maintenance of effective home health services, there is established, in accordance with Title 5, section 12004-I, the Advisory Committee on Home Health.

2. Committee membership. The committee shall consist of the following 9 members who shall be appointed within 30 days of the effective date of this section.

A. One Senator to be appointed by the President of the Senate;

B. Two members of the House of Representatives to be appointed by the Speaker of the House of Representatives; and

C. Six members to be appointed by the Commissioner of Human Services as follows:

(1) One member to represent the Maine Committee on Aging;

(2) One member to represent a home care alliance;

(3) Two members to represent home care consumers; and

(4) Two members to represent home care provider agencies which are Medicaid providers.

The terms of office of the appointed members shall be 2 years. Upon expiration of a member's term, the member shall serve until that member is reappointed or until a successor is appointed. A member may be removed for cause, which shall include excessive absences from meeting of the