

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Sec. 7. 36 MRSA §5403, as repealed and replaced by PL 1987, c. 819, §14, is amended to read: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

advisory committee. The committee shall determine what constitutes excessive absence.

3. Committee meetings. The advisory committee shall be convened at the request of the chair or any 2 members of the committee.

4. Committee actions. Five members of the advisory committee shall constitute a quorum. No action may be taken by the advisory committee except by a vote of a majority of those present and voting.

5. Committee compensation. Members of the advisory committee shall serve without compensation, but shall be entitled to expenses in accordance with Title 5, chapter 379.

6. Committee scope. The advisory committee shall consult with and advise the Commissioner of Human Services and the Director of the Bureau of Medical Services on matters relating to improving home health services in the State.

7. Chair. The committee shall choose a chair from among its members.

8. Report. The committee shall submit a report of its activities by January 1st, annually, to the Governor and to the joint standing committee of the Legislature having jurisdiction over human resource matters.

9. Sunset. This section is repealed February 1, 1992.

See title page for effective date.

CHAPTER 497

H.P. 1174 - L.D. 1628

An Act to Clarify the Subdivision Laws

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

Whereas, this bill proposes a variety of changes to clarify the requirements of the subdivision laws for municipalities and these changes should be incorporated without delay; and

Whereas, this bill also proposes to change the acreage requirements for review required under the site location of development laws and to make that change retroactive; 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. 30-A MRSA §4401, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed and the following enacted in its place:

3. Principal structure. "Principal structure" means any building or structure in which the main use of the premises takes place.

Sec. 2. 30-A MRSA §4401, sub-§4, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

4. Subdivision. "Subdivision" means the division of a tract or parcel of land into 3 or more lots within any 5-year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

A. In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of the tract or parcel is considered to create the first 2 lots and the next dividing of either of these first 2 lots, by whomever accomplished, is considered to create a 3rd lot, unless:

(1) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single-family residence or for open space land as defined in Title 36, section 1102, for a period of at least 5 years before the 2nd dividing occurs; or

(2) The division of the tract or parcel is otherwise exempt under this subchapter.

B. The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this subchapter, do not become subject to this subchapter by the subsequent dividing of that tract or parcel of land or any portion of that tract or parcel. The municipal reviewing authority shall consider the existence of the previously created lot or lots in reviewing a proposed subdivision created by a subsequent dividing.

C. A lot of 40 or more acres shall not be counted as a lot, except:

(1) When the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38, section 435; or