

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

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

---

---

year credit authorized in this section would reduce the tax in the taxable year below the minimum tax set forth in section 2624, such excess shall be:

(1) A credit carry-back to each of the preceding 3 taxable years; and

(2) A credit carry-forward to each of the 5 taxable years following the taxable year.

D. The entire amount of the unused credit shall be carried to the earliest of the taxable years to which, by reason of this subsection, the credit may be carried and then to each of the other taxable years to the extent the unused credit may not be used for a prior taxable year. In no event may a carry-back apply to any taxable year ending prior to January 1, 1990.

E. In order for a taxpayer to qualify for a credit under this subsection, the taxpayer may not require any landowner to pay any fee or charge for maintenance or repair or to assume liability for crossings or rights-of-way if the landowner was not required to do so prior to July 1, 1987; and the taxpayer must continue to maintain crossings and rights-of-way which it was required to maintain on that date and may not remove the crossing if there is any objection to their being removed, provided that the landowner's use remains the same and that the landowner complies with requirements to keep gates secured.

**Sec. 2. 36 MRSA §2624, first ¶,** as amended by PL 1983, c. 571, §6, is further amended to read:

The amount of the annual excise tax on railroads shall be ascertained as follows: The amount of the gross transportation receipts for the year ended on the 31st day of December preceding the levying of the tax shall be compared with the net railway operating income for that year. When the net railway operating income does not exceed 10% of the gross transportation receipts, the tax shall be an amount equal to 3 1/4% of the gross transportation receipts. When the net railway operating income exceeds 10% of the gross transportation receipts but does not exceed 15%, the tax shall be an amount equal to 3 3/4% of the gross transportation receipts. When the net railway operating income exceeds 15% of the gross transportation receipts but does not exceed 20%, the tax shall be an amount equal to 4 1/4% of such gross transportation receipts. When the net railway operating income exceeds 20% of the gross transportation receipts but does not exceed 25%, the tax shall be an amount equal to 4 3/4% of the gross transportation receipts. When the net railway operating income exceeds 25% of the gross transportation receipts, the tax shall be an amount equal to 5 1/4% of the gross transportation receipts. The tax shall be decreased by the amount by which 5 3/4% of operating investment exceeds net railway operating income but shall in no event be decreased below a minimum amount equal to 4/4 1/2 of 1% of gross transportation receipts. In the case of railroads operating not over 50 miles of road, the tax shall not exceed 1 3/4% of the gross transportation receipts.

**Sec. 3. 36 MRSA §2624,** as amended by PL 1983, c. 571, §§6 and 7, is further amended by inserting at the end a new paragraph to read:

The tax calculated pursuant to this section, for any taxable year, shall be decreased by a tax credit as defined in section 2621-A, subsection 3, calculated for that same taxable year. At no time may a tax credit be utilized to decrease the tax below the minimum tax imposed by this section.

See title page for effective date.

---



---

## CHAPTER 587

H.P. 603 - L.D. 827

### An Act to Authorize the Department of Corrections to Establish a Solid Waste Recycling Program

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

**Sec. 1. 34-A MRSA §3035-A** is enacted to read:

#### §3035-A. Solid waste recycling program

1. Feasibility analysis. The commissioner, together with the Department of Economic and Community Development, Office of Waste Recycling and Reduction, shall study the feasibility of establishing a prison program to train and employ inmates in the salvaging and recycling of solid waste. The term "salvaging" means the reclaiming of paper, glass, metals, wood and other materials commonly found in solid waste. The term "recycling" means the converting of salvaged waste into useful products. The commissioner shall coordinate the study with existing state recycling efforts including those conducted at the Augusta Mental Health Institute. The commissioner shall report the results of this study to the joint select and joint standing committees of the Legislature having jurisdiction over natural resource matters, appropriations and financial affairs, and corrections matters, on or before January 1, 1990.

2. Study parameters. The commissioner shall consider the following issues as part of the study in addition to any other relevant topics:

A. The feasibility of salvaging and recycling solid waste generated by the department; and

B. The feasibility of providing salvaging and recycling services on a contract basis to municipalities and private entities in the general vicinity of state-operated correctional facilities.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1989-90

**CORRECTIONS, DEPARTMENT OF**

All Other \$50,000

Provides funds for the department to contract for services.

See title page for effective date.

**CHAPTER 588**

**H.P. 954 - L.D. 1322**

**An Act to Improve Access to Health Care and Relieve Hospital Costs Due to Charity and Bad Debt Care Which are Currently Shifted to Third-party Payors**

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

**Whereas,** over 130,000 people in Maine lack health insurance and considerably more face other barriers to access to health care; and

**Whereas,** this legislation creates several programs designed to provide health care, or to improve access to health care for persons who are currently inadequately cared for; and

**Whereas,** the programs in this legislation which provide coverage of health care costs for those who are currently unable to pay those costs will lessen the burden on 3rd-party payors of health care costs caused by bad debt and charity care; 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:**

**PART A**

**Sec. 1. 3 MRSA §507, sub-§8, ¶A,** as repealed and replaced by PL 1985, c. 763, Pt. A, §4, is amended to read:

A. Unless continued or modified by law, the following Group D-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1986;

- (1) Maine Arts Commission; ~~and~~
- (2) Maine State Museum; and
- (3) Maine Health Care Finance Commission.

**Sec. 2. 5 MRSA §12004-I, sub-§35-A** is enacted to read:

<u>Services</u>	<u>35-A. Human</u>	<u>Maine Health</u>	<u>Legislative</u>	<u>22 MRSA</u>
		<u>Program Advisory</u>	<u>Per Diem</u>	<u>§3189</u>
		<u>Committee</u>	<u>for Legis-</u>	
			<u>lative Mem-</u>	
			<u>bers Only;</u>	
			<u>Expenses</u>	
			<u>Only for</u>	
			<u>Other Members</u>	

**Sec. 3. 22 MRSA §304-D, sub-§1, ¶B,** as enacted by PL 1985, c. 661, §2, is repealed.

**Sec. 4. 22 MRSA §304-D, sub-§4,** as enacted by PL 1985, c. 661, §2, is repealed.

**Sec. 5. 22 MRSA §382, sub-§1-A** is enacted to read:

1-A. Border hospital. "Border hospital" means a hospital located in this State within 10 miles of the New Hampshire border.

**Sec. 6. 22 MRSA §382, sub-§16-A** is enacted to read:

16-A. Revenue limit. "Revenue limit" means the revenue per case, the rate per unit of outpatient service, the total outpatient revenue or the total revenue approved by the commission under section 396.

**Sec. 7. 22 MRSA §388, sub-§1, ¶A,** as amended by PL 1987, c. 73, is further amended to read:

A. Prior to January 1st, the commission shall prepare and transmit to the Governor and to the Legislature a report of its operations and activities during the previous year. This report shall include such facts, suggestions and policy recommendations as the commission considers necessary. The report shall include:

- (1) Data citations, to the extent possible, to support the factual statements in the report;
- (2) The administrative requirements for compliance with the system by hospitals to the extent possible;
- (3) The commission's view of the likely future impact on the health care financing system of trends in the use or financing of hospital care, including federal reimbursement policies, demographic changes, technological advances and competition from other providers;