

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

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

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

reapply on or before April 1, 1991, the land is deemed to have been voluntarily withdrawn from classification and the appropriate recapture penalty provided in section 1112 applies. If land, for which a reapplication is timely filed, is determined to have failed to meet the open space public benefit test required by this subchapter, the land is removed from classification as of April 1, 1991 and no penalty may be imposed.

Sec. 6. 36 MRSA §1112, 3rd ¶, as amended by PL 1989, c. 555, §19, is further amended to read:

¶ A penalty may not be assessed at the time of a change of use from the farmland classification of land subject to taxation under this subchapter to the open space classification of land subject to taxation under this subchapter. ¶ A penalty may not be assessed upon the withdrawal of open space land from taxation under this subchapter if the owner applies for and is accepted for classification as timberland under subchapter II-A. There also is no penalty imposed when land classified as timberland is accepted for classification as open space land. A penalty may not be assessed upon withdrawal of open space land from taxation under this subchapter, or from timberland taxation under subchapter II-A, if the owner applies for and is accepted for classification as farmland under this subchapter. The recapture penalty for withdrawal from farmland classification within 10 years of a transfer from either open space tax classification or timberland tax classification is the same imposed on withdrawal from the prior tax classification, open space or tree growth. The recapture penalty for withdrawal from farmland classification more than 10 years after such a transfer will be the regular farmland recapture penalty provided for in this section. In the event a penalty is later assessed under subchapter II-A, the period of time that the land was taxed as farmland or as open space land under this subchapter shall must be included for purposes of establishing the amount of the penalty.

Sec. 7. 36 MRSA §1115, as enacted by PL 1975, c. 726, §2, is amended to read:

§1115. Transfer of portion of parcel of land

¶ Transfer of a portion of a parcel of land farmland subject to taxation under this subchapter shall does not affect the taxation under this subchapter of the resulting parcels unless they do not meet the minimum acreage requirements of this subchapter. Transfer of a portion of a parcel of open space land subject to taxation under this subchapter does not affect the taxation under this subchapter of the resulting parcels unless either or both of the parcels no longer provide a public benefit as required in section 1102, subsection 6. Each resulting parcel shall must be taxed to the owners under this subchapter until such a parcel is withdrawn from taxation under this subchapter; in which case, the penalties provided for in section 1112 shall apply only to the owner of such that parcel. If a parcel of farmland resulting from such sale is the transfer of less than the minimum acreage requirement of this subchapter or, if a parcel of open space land

resulting from a transfer no longer provides public benefit, such that parcel shall must be considered as withdrawn from taxation under this subchapter as a result of such sale the transfer and subject to penalties as provided.

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

Effective March 30, 1990.

CHAPTER 749

H.P. 1610 - L.D. 2226

An Act to Amend the Laws Governing the Military and Naval Children's Home

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

Sec. 1. 34-B MRSA §6253, as enacted by PL 1985, c. 503, §12, is repealed.

Sec. 2. 34-B MRSA §6253-A is enacted to read:
§6253-A. Bath Children's Home

1. Chief administrative officer. The chief administrative officer of the Bath Children's Home is the director. The director must have sufficient education and experience to administer a facility providing services to children in need of treatment.

2. Duties of the director. The director shall:

A. Be responsible for the shelter, care and related services of all persons received into or receiving services from the Bath Children's Home; and

B. Have direct supervision, management and control of the grounds, buildings, property, officers and employees of the Bath Children's Home, subject to the approval of the commissioner.

3. Purpose. The purpose of the Bath Children's Home is to provide shelter and care for children of this State who are in need for one or more of the following reasons:

A. Lack of appropriate alternative shelter and care;

B. Potential or actual abuse and neglect; or

C. Family crisis and upheaval.

4. Veterans' preference. Preference in admission to the Bath Children's Home must be given to the children of veterans of this State who have served in wars in which the United States has been involved.

5. Educational or vocational training programs.

Any child in residence at the Bath Children's Home who, upon reaching legal age, is a participant in an educational or vocational training program, the interruption or cessation of which will be caused by discharge from the home, may, with the approval of the director, voluntarily elect to remain in residence at the home until all or part of the educational or vocational training program is completed.

6. Board of Visitors. There is established a Board of Visitors for the Bath Children's Home to provide advice and direction to the director concerning the effective and efficient management of the home in coordination with long-range missions and priorities of the bureau.

A. The board shall consist of the following 9 members:

(1) A representative from law enforcement or juvenile corrections;

(2) A representative from the Bath community;

(3) A Bath school principal or a comparable school official;

(4) A representative from an alcohol treatment center;

(5) Three citizens from outside the Bath area;

(6) A designee of a veterans' organization; and

(7) One member appointed from the Department of Human Services, Division of Child and Family Services.

B. The Commissioner of Human Services shall appoint the member from the Division of Child and Family Services and the Commissioner of Mental Health and Mental Retardation shall appoint the remaining members of the board.

C. Members shall be appointed for no longer than 3-year terms.

D. Terms of members must be staggered in such a way that no more than 3 terms expire in any one year.

E. The board is responsible for:

(1) Assisting in the development of policies and programs regarding the operation of the home;

(2) Monitoring the progress made in reaching annual objectives established by the director of the home; and

(3) Continuing oversight of the home, its programs and policies.

Sec. 3. Transition. Members of the Board of Visitors for the Bath Children's Home who are not eligible to serve as a result of the changes made in section 2 of this Act shall serve until new members have been appointed. Terms of members of the board who remain eligible to serve are not affected by the changes in section 2 of this Act. Terms of new members of the board authorized by the changes in section 2 of this Act must be made in a way that maintains the staggering provided in the Maine Revised Statutes, Title 34-B, section 6253-A, subsection 6, paragraph D.

See title page for effective date.

CHAPTER 750

S.P. 846 - L.D. 2176

An Act to Require Prior Notice of the Sale of Gas Stations

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

10 MRSA §1109 is enacted to read:

§1109. Acquisition of gasoline sales assets

1. Definition. "Gasoline sales" means the retail sale of internal combustion fuel for motor vehicles as defined in Title 29, section 1, subsection 7.

2. Prohibition. A person may not acquire, directly or indirectly, from a business engaged in gasoline sales in this State, without prior notice as required under subsection 3:

A. Controlling stock; or

B. Substantial assets that include those used in gasoline sales.

3. Report. The person acquiring stock or assets under subsection 2 shall provide notice of this acquisition to the Department of the Attorney General at least 30 days prior to the date of acquisition.

4. Confidentiality. Information received by the Department of the Attorney General as a result of this reporting requirement is a confidential investigative record under Title 5, section 200-D.

5. Penalty. Violation of this section is a civil violation for which a civil penalty not to exceed \$10,000 may be assessed.

See title page for effective date.
