

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

(1) Vehicles designed and dedicated exclusively for the collection of source-separated municipal solid waste generated within the State for the purpose of recycling;

(2) Add-ons or trailers designed to modify collection vehicles and dedicated to sorting, separating and transporting collected wastes generated within the State that are held for the purpose of recycling; or

(3) Containers for the source separation and temporary storage of recyclable wastes generated within the State.

“Waste reduction, reuse or recycling equipment” does not include structures, machinery, equipment or devices used to burn solid waste.

2. Credit allowed. A taxpayer constituting an employing unit that purchases and uses, or purchases and leases to a person for use by that person at a fixed facility that separates, processes, converts or treats solid waste intended for sale by that person, any waste reduction, reuse or recycling equipment, or other equipment used exclusively in the implementation of a solid waste reduction, reuse or recycling program, is entitled to a credit against the tax imposed by this Part equal to 30% of the cost of that equipment. “Cost of the equipment” means the original basis, without adjustment, of the equipment for federal income tax purposes exclusive of all architectural and engineering fees, site survey fees, legal expenses, development fees and insurance premiums that are included in the basis of the equipment for federal income tax purposes.

3. Eligible machinery and equipment. Purchases eligible for the credit allowed under this section include structures, machinery equipment and devices used to reduce, reuse or recycle solid waste, at least 90% of which is generated within the State. A certificate that the structures, machinery, equipment and devices qualify for the credit provided for in this section from the Maine Waste Management Agency is required before the tax credit may be taken. Machinery and equipment associated with the separation of wastes prior to incineration are eligible when the Maine Waste Management Agency certifies that the separated wastes are being recycled.

4. Limitation; carry-over; carry-back. The amount of the credit that may be used by a taxpayer for a taxable year may not exceed 50% of the amount of tax otherwise due under this Part for that year. Any unused credit may be carried over to the following year or years for a period not to exceed 15 years or may be carried back for a period not to exceed 3 years.

5. Application. The provisions of this section apply to purchases of eligible machinery and equipment made after January 1, 1990.

Sec. 7. 38 MRSA §2201, 3rd ¶, as enacted by PL 1989, c. 585, Pt. A, §7, and as amended by PL 1989, c. 596, Pt. H, is further amended to read:

Funds related to administration may only be expended in accordance with allocations approved by the Legislature for administrative expenses directly related to the agency's and the department's programs. Funds related to operations may only be expended in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the agency and for the repayment of any obligations of the agency incurred under article 3. These allocations ~~shall~~ **must** be based on estimates of the actual costs necessary for the agency and the department to administer their programs, to provide financial assistance to regional associations and to provide other financial assistance necessary to accomplish the purposes of this chapter. Beginning in the fiscal year ending on June 30, 1991 and thereafter, the fund shall annually transfer to the General Fund an amount necessary to reimburse the costs of the Bureau of Taxation incurred in the administration of Title 36, section ~~5219-C~~ 5219-D and Title 36, chapter 719 and an amount equal to the General Fund revenues lost as the result of Title 36, section ~~5219-C~~ sections 2526 and 5219-D. Allowable expenditures include “Personal Services,” “All Other” and “Capital Expenditures” associated with all agency activities other than those included in the operations account.

Sec. 8. 38 MRSA §2201-A is enacted to read:

§2201-A. Sunset; legislative intent

The Maine Solid Waste Management Fund, as established in section 2201, is repealed effective June 30, 1993. It is the intent of the Legislature that all fees, interest or other revenue previously going into the Maine Solid Waste Management Fund on that date accrue to the General Fund effective July 1, 1993. It is also the intent of the Legislature that all expenditures of the Maine Waste Management Agency be made appropriations from the General Fund effective July 1, 1993. The Maine Waste Management Agency must prepare a plan, including any necessary implementing legislation, to accomplish legislative intent. This plan must be submitted to the committee of the Legislature responsible for appropriations and financial affairs by December 1, 1992, to be incorporated into the fiscal year 1993-94 and fiscal year 1994-95 biennial budget.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect July 1, 1990.

Effective July 1, 1990.

CHAPTER 928

H.P. 1833 - L.D. 2506

An Act to Revise the Salaries of Certain County Officers

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

Whereas, it has become necessary to revise the salaries of certain county officials; and

Whereas, it is desired to have these revisions retro-active to January 1, 1990; 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:

30-A MRSA §2, sub-§1, as amended by PL 1989, c. 104, Pt. A, §1 and Pt. C, §10, as repealed and replaced by PL 1989, c. 476 and as amended by PL 1989, c. 517, §1, is repealed and the following enacted in its place:

1. County officers' salaries. Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702, are not required to obtain legislative approval of the salaries of county officers under this section. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in those counties whose budgets require legislative approval under section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows:

<u>A. Androscoggin County:</u>			
	<u>1990</u>		<u>1991</u>
(1) <u>Commissioners</u>			
(a) <u>Chair</u>	<u>\$6,346</u>		
(b) <u>Members</u>	<u>5,432</u>		
(2) <u>Treasurer</u>	<u>20,396</u>		
(3) <u>Sheriff</u>	<u>27,141</u>		
(4) <u>Judge of Probate</u>	<u>12,319</u>		
(5) <u>Register of Probate</u>	<u>10,400</u>		
(6) <u>Register of Deeds</u>	<u>23,782</u>		
<u>B. Aroostook County:</u>			
(1) <u>Commissioners</u>			
(a) <u>Chair</u>	<u>\$2,000</u>	<u>\$2,160</u>	
(b) <u>Members</u>	<u>2,000</u>	<u>2,160</u>	
(2) <u>Treasurer</u>	<u>8,000</u>	<u>8,640</u>	
(3) <u>Sheriff</u>	<u>20,800</u>	<u>22,465</u>	
(4) <u>Judge of Probate</u>	<u>10,210</u>	<u>11,550</u>	

(5) <u>Register of Probate</u>	<u>16,560</u>	<u>17,885</u>
(6) <u>Register of Deeds</u>		
(a) <u>Northern District</u>	<u>16,280</u>	<u>17,585</u>
(b) <u>Southern District</u>	<u>16,280</u>	<u>17,585</u>
<u>C. Franklin County:</u>		
(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$5,095</u>	
(b) <u>Members</u>	<u>4,832</u>	
(2) <u>Treasurer</u>	<u>5,400</u>	
(3) <u>Sheriff</u>	<u>27,040</u>	
(4) <u>Judge of Probate</u>	<u>12,154</u>	
(5) <u>Register of Probate</u>	<u>17,363</u>	
(6) <u>Register of Deeds</u>	<u>18,521</u>	
<u>D. Hancock County:</u>		
(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$7,575</u>	
(b) <u>Members</u>	<u>7,069</u>	
(2) <u>Treasurer</u>	<u>9,360</u>	
(3) <u>Sheriff</u>	<u>32,000</u>	
(4) <u>Judge of Probate</u>	<u>16,081</u>	
(5) <u>Register of Probate</u>	<u>15,926</u>	
(6) <u>Register of Deeds</u>	<u>17,091</u>	
<u>F. Knox County:</u>		
(1) <u>Commissioners</u>		
(a) <u>District 1</u>	<u>\$4,000</u>	<u>\$4,000</u>
(b) <u>District 2</u>	<u>4,000</u>	<u>4,000</u>
(c) <u>District 3</u>	<u>4,000</u>	<u>4,000</u>
(d) <u>Chair differential</u>	<u>300</u>	<u>300</u>
(2) <u>Treasurer</u>	<u>19,712</u>	
(3) <u>Sheriff</u>	<u>30,420</u>	
(4) <u>Judge of Probate</u>	<u>12,000</u>	<u>12,000</u>
(5) <u>Register of Probate</u>	<u>17,644</u>	
(6) <u>Register of Deeds</u>	<u>19,712</u>	
<u>G. Lincoln County:</u>		
(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$6,200</u>	
(b) <u>Members</u>	<u>5,725</u>	

<u>(2) Treasurer</u>	<u>5,700</u>
<u>(3) Sheriff</u>	<u>30,000</u>
<u>(4) Judge of Probate</u>	<u>13,130</u>
<u>(5) Register of Probate</u>	<u>16,550</u>
<u>(6) Register of Deeds</u>	<u>21,200</u>

<u>(2) Treasurer</u>	<u>8,008</u>
<u>(3) Sheriff</u>	<u>29,500</u>
<u>(4) Judge of Probate</u>	<u>14,755</u>
<u>(5) Register of Probate</u>	<u>16,120</u>
<u>(6) Register of Deeds</u>	<u>17,365</u>

H. Oxford County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$5,851</u>
<u>(b) Members</u>	<u>5,331</u>
<u>(2) Treasurer</u>	<u>7,047</u>
<u>(3) Sheriff</u>	<u>29,400</u>
<u>(4) Judge of Probate</u>	<u>14,687</u>
<u>(5) Register of Probate</u>	<u>17,535</u>
<u>(6) Register of Deeds</u>	
<u>(a) Eastern District</u>	<u>17,535</u>
<u>(b) Western District</u>	<u>14,888</u>

L. Somerset County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$5,022</u>
<u>(b) Members</u>	<u>4,302</u>
<u>(2) Treasurer</u>	<u>10,344</u>
<u>(3) Sheriff</u>	<u>29,685</u>
<u>(4) Judge of Probate</u>	<u>16,710</u>
<u>(5) Register of Probate</u>	<u>17,634</u>
<u>(6) Register of Deeds</u>	<u>18,115</u>

I. Penobscot County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$8,008</u>
<u>(b) Members</u>	<u>7,644</u>
<u>(2) Treasurer</u>	<u>3,484</u>
<u>(3) Sheriff</u>	<u>32,457</u>
<u>(4) Judge of Probate</u>	<u>21,424</u>
<u>(5) Register of Probate</u>	<u>21,960</u>
<u>(6) Register of Deeds</u>	<u>20,085</u>

M. Washington County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$5,116</u>
<u>(b) Members</u>	<u>4,264</u>
<u>(2) Treasurer</u>	<u>7,500</u>
<u>(3) Sheriff</u>	<u>29,025</u>
<u>(4) Judge of Probate</u>	<u>15,252</u>
<u>(5) Register of Probate</u>	<u>16,800</u>
<u>(6) Register of Deeds</u>	<u>16,800</u>

J. Piscataquis County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$5,800</u>
<u>(b) Members</u>	<u>5,000</u>
<u>(2) Treasurer</u>	<u>6,200</u>
<u>(3) Sheriff</u>	<u>24,000</u>
<u>(4) Judge of Probate</u>	<u>12,568</u>
<u>(5) Register of Probate</u>	<u>16,288</u>
<u>(6) Register of Deeds</u>	<u>17,256</u>

N. York County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$4,860</u>
<u>(b) Members</u>	<u>4,860</u>
<u>(2) Treasurer</u>	<u>5,612</u>
<u>(3) Sheriff</u>	<u>30,240</u>
<u>(4) Judge of Probate</u>	<u>13,500</u>
<u>(5) Register of Probate</u>	<u>21,600</u>
<u>(6) Register of Deeds</u>	<u>21,600</u>

K. Sagadahoc County:

<u>(1) Commissioners</u>	
<u>(a) Chair</u>	<u>\$5,000</u>
<u>(b) Members</u>	<u>4,500</u>

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved and applies retroactively to January 1, 1990.

Effective April 24, 1990.