

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**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**

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**3. Limitation; carry-over; carry-back.** The credit allowed by subsection 2 for a taxable year may not exceed 50% of the tax liability otherwise due under this Part for that taxable year or 50% of the total tax liability of all taxable corporations that are members of an affiliated group engaged in a unitary business for that taxable 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. A carry-back may not be allowed for any taxable year ending prior to the effective date of this section. The Maine Forest Service may not certify more than \$1,500,000 in eligible credits in any fiscal year.

**4. Certification of eligibility.** To establish eligibility to claim the credit, the taxpayer shall register with the Maine Forest Service each source of reclaimed wood waste or cedar waste identifying location, age, volume and content of the waste material and an estimate of the volume of waste material reclaimed or processed for use as fuel for the current year and, for a wood waste pile, a survey of the pile conducted by a licensed surveyor. The registration statement includes a certification by the taxpayer that the waste material meets the definition of reclaimed wood waste or cedar waste set forth in subsection 1, paragraph A or B, based on this identifying information. The taxpayer seeking to claim the credit shall renew the registration and certification each January thereafter.

**5. Application date.** This section applies to any tax year beginning on or after January 1, 1991.

**6. Report to the Legislature.** The Maine Forest Service shall provide a report annually to the Bureau of Taxation identifying the taxpayers eligible to claim a credit and the total amount of credit allowed to be claimed under this section. The Department of Conservation and the Bureau of Taxation shall monitor the administration and impact of the tax credit provided under this section and present their findings to the joint standing committees having jurisdiction over taxation and energy matters no later than December 15, 1992.

**7. Sunset.** This section is repealed December 31, 1993.

See title page for effective date.

## CHAPTER 936

H.P. 1751 - L.D. 2413

### An Act Regarding Security and Training Functions within the Bureau of Capitol Security and Funding for the Bureau of State Employee Health

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

**Whereas,** the 90-day period terminates before the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 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:**

**Sec. 1. 5 MRSA §956, 2nd ¶,** as enacted by PL 1985, c. 785, Pt. C, §1, is amended to read:

State agency operational charges shall be are a per employee fee paid by each agency in the same manner as premiums for state employee health insurance. The per employee fee must be paid by all state agencies that have employees who are eligible to participate in the state employee health insurance program. Any such state agency not paying the per employee fee as of January 1, 1990, shall pay the per employee fee starting in the fiscal year beginning July 1, 1991. The State Budget Officer shall work with state agencies to budget the funds necessary for the purposes of this paragraph. The Director of State Employee Health shall recommend a fee to the commissioner. The director may establish a proportional fee for agencies outside of the Executive Department to reflect those programs utilized by such agencies. The rationale for the recommended fee shall must be well documented and shall include the program costs to be met by the fee. The Commissioner of Administration shall provide his a final recommended fee to the Governor. The Governor shall determine the per employee fee to be included in the normal budget process.

**Sec. 2. 25 MRSA §2801-B, sub-§1, ¶¶B and C,** as enacted by PL 1989, c. 521, §§2 and 17, are amended to read:

B. Agents or representatives of the Department of Conservation, Bureau of Parks and Recreation, whose law enforcement powers are limited to those specified in Title 12, section 602, subsection 5; or

C. Agents or representatives of the Department of Conservation, Bureau of Forestry, whose law enforcement powers are limited to those specified by Title 12, section 8901, subsection 3; or

**Sec. 3. 25 MRSA §2801-B, sub-§1, ¶D,** as enacted by PL 1989, c. 521, §§2 and 17, is repealed.

**Sec. 4. Transfer of functions; transition.** The following transfer of functions and transition provisions apply.

1. Notwithstanding the Maine Revised Statutes, Title 5, sections 1585 and 1586, on July 1, 1990, all accrued expenditures, assets, liabilities, balances, appropriations or allocations, transfers, revenues, or other available funds in any account or subdivision of an account of the Department of Administration related to a patroller function transferred by this Act are transferred to the Department of Public Safety, Bureau of Capitol Security.

2. Any employees of the Department of Administration transferred to the Department of Public Safety are transferred with their accrued rights and benefits. The accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement, remain with those persons.

3. All rules and procedures relating to the functions transferred by this Act that are currently in effect and in compliance with this Act remain in effect until rescinded or amended as provided by law.

4. All contracts and agreements currently in effect with respect to any unit of State Government affected by this Act remain in effect until rescinded, terminated or modified as provided by law.

5. All equipment and property of the State used by employees and officials of the Department of Administration related to a function transferred by this Act are transferred to the Department of Public Safety.

6. Notwithstanding any other provision of law, any appointment and preparation work for the transfer of functions required by this Act may be made or may occur prior to the effective date of this Act, but are not binding and do not take effect until the effective date.

7. The Department of Public Safety shall furnish a vehicle to the Bureau of Capitol Security for use by the patrollers.

**Sec. 5. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

**PUBLIC SAFETY, DEPARTMENT OF**

**Bureau of Capitol Security**

Positions	(4)
Personal Services	\$77,575
All Other	2,500

Provides funds to establish 4 patrollers, classified as "watchpersons," as a unit within the Bureau of Capitol Security and for related expenses, effective July 1, 1990.

<b>DEPARTMENT OF PUBLIC SAFETY</b>	
<b>TOTAL</b>	<u>\$80,075</u>

**ADMINISTRATION, DEPARTMENT OF**

**Maintenance - State Capitol Complex**

Positions	(-4)
Personal Services	(\$77,575)
All Other	(2,500)

Provides for the transfer of funds for 4 patrollers, classified as "watchpersons," and related expenses from the Department of Administration to the Department of Public Safety, Bureau of Capitol Security, effective July 1, 1990.

<b>DEPARTMENT OF ADMINISTRATION</b>	
<b>TOTAL</b>	<u>(\$80,075)</u>

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

Effective July 1, 1990.

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