

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Effective April 1, 1991.

CHAPTER 15

H.P. 147 - L.D. 219

An Act to Abolish the Homestead Tax Exemption

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 may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1991; 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:

36 MRSA c. 105, sub-c. IV-A, as amended, is repealed.

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

Effective April 3, 1991.

CHAPTER 16

H.P. 154 - L.D. 239

An Act to Shorten the Tax Abatement Application Period

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

Sec. 1. 36 MRSA §841, sub-§1, as repealed and replaced by PL 1989, c. 508, §10, is amended to read:

1. Error or mistake. The assessors, upon written application stating the grounds ~~therefore~~, for an abatement filed within ~~one year~~ 6 months from commitment, or on their own initiative within ~~that period~~ one year from commitment, or the municipal officers, upon written ap-

plication stating the grounds ~~therefore~~ for an abatement filed more than one year but within 3 years from commitment, or on their own initiative within that period, may make such reasonable abatement as they think proper to correct any illegality, error or irregularity in assessment, provided the taxpayer has complied with section 706. An abatement under this subsection to correct an error in the valuation of property may not be granted by the municipal officers.

Sec. 2. Application. This Act applies to commitments made after April 1, 1992.

See title page for effective date.

CHAPTER 17

H.P. 33 - L.D. 43

An Act to Establish a Permanent License System for Older Citizens

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

Sec. 1. 12 MRSA §7076, sub-§1, as amended by PL 1989, c. 493, §§8 and 9, is further amended to read:

1. Residents over 70 years of age. A complimentary license to hunt, trap or fish, including an archery license under section 7102, and a muzzle-loading hunting license under section 7107-A, ~~shall~~ must be issued to any resident of Maine who is 70 years of age or older upon application to the commissioner. These complimentary licenses, upon issuance, remain valid for the remainder of the life of the license holder, provided the license holder continues to satisfy the residency requirements set out in section 7001, subsection 32 and provided the license is not revoked or suspended. Residents who apply for these complimentary licenses at any time during the calendar year of their 70th birthday ~~shall~~ must be issued a license upon application, regardless of the actual date during that calendar year ~~when~~ in which they attain age 70. A guide license may be renewed without charge for any resident of Maine who is 70 years of age or older upon application to the commissioner. The application ~~shall~~ must be accompanied by a birth certificate or other certified evidence of the applicant's date of birth and residency. ~~Each~~ When the holder of a license issued under this subsection shall remain no longer satisfies the residency requirements set out in section 7001, subsection 32, the license is no longer valid through December 31st of the 2nd complete calendar year following the year of issuance and further use of the license for purposes of hunting, fishing or trapping constitutes a license violation under section 7371, subsection 3.

Sec. 2. Effective date. This Act takes effect on January 1, 1992.

Effective January 1, 1992.

CHAPTER 18

H.P. 44 - L.D. 63

An Act Concerning Capital Improvements and Impact Fees

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

Sec. 1. 30-A MRSA §4301, sub-§6-A is enacted to read:

6-A. Impact fee. "Impact fee" means a charge or assessment imposed by a municipality against a new development to fund or recoup the cost of new, expanded or replacement infrastructure facilities necessitated by and attributable to the new development.

Sec. 2. 30-A MRSA §4354, first ¶, as amended by PL 1989, c. 562, §16, is further amended to read:

A municipality may enact an ordinance under its home rule authority requiring the construction of off-site capital improvements or the payment of impact fees instead of the construction. Notwithstanding section 3442, an impact fee may be imposed that results in a developer or developers paying the entire cost of an infrastructure improvement. A municipality may impose an impact fee either before or after completing the infrastructure improvement. No later than 2 years after the applicable deadlines established under section 4343, subsection 1, any impact fee ordinance must have been adopted as part of a certified local growth management program.

Sec. 3. 30-A MRSA §4354, sub-§2, ¶A, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

A. The amount of the fee must be reasonably related to the development's share of the cost of infrastructure improvements made necessary by the development or, if the improvements were constructed at municipal expense prior to the development, the fee must be reasonably related to the portion or percentage of the infrastructure used by the development.

See title page for effective date.

CHAPTER 19

H.P. 78 - L.D. 106

An Act Regarding Possession of Certain Weapons, Implements or Aids

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

12 MRSA §7406, sub-§17, ¶¶A to E, as enacted by PL 1979, c. 420, §1, are amended to read:

A. Uses for hunting or possesses for hunting any automatic firearm;

B. Uses for hunting or possesses for hunting any auto-loading firearm having a magazine capacity of more than 5 cartridges. All auto-loading firearms having a magazine capacity in excess of 5 cartridges ~~shall~~ must have the magazine permanently altered to contain not more than 5 cartridges before it may be used in this State for hunting;

C. ~~Sells, offers~~ Uses for sale, uses hunting or possesses for hunting any firearm fitted or contrived with any device for deadening the sound of explosion;

D. Uses for hunting cartridges containing tracer bullets;

E. Uses for hunting cartridges containing explosive bullets;

See title page for effective date.

CHAPTER 20

H.P. 173 - L.D. 258

An Act to Provide for a Student Member of the Board of Trustees of the Maine Technical College System

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

Whereas, addition of a student member to the Board of Trustees of the Maine Technical College System is a priority; and

Whereas, failure to enact this legislation as an emergency will deny student representation on the Board of Trustees of the Maine Technical College System until at least February, 1992; 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: