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

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1991

penses of operation and administration of the Department of Finance, Bureau of Alcoholic Beverages and the Department of Finance, State Liquor Commission, the following amounts are allocated from the revenues derived from operations of the State Alcoholic Beverages Fund for the fiscal years ending June 30, 1992 and June 30, 1993, to carry out the purposes of this Act.

	1991-92	1992-93
FINANCE, DEPARTMENT OF		
Alcoholic Beverages - General Operations		
All Other	($3,000)	($3,000)
Provides for the deallocation of funds from reduced meeting costs of the State Liquor Commission.		

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

Effective June 18, 1991.

CHAPTER 377

S.P. 735 - L.D. 1926

An Act to Correct Errors and Inconsistencies in the Laws of Maine

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

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and the confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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. 4 MRSA §152, sub-§6-A, ¶C, as enacted by PL 1989, c. 878, Pt. A, §7, is amended to read:

C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title ~~12~~ 38, sections ~~4811 to 4817~~ 435 to 446 and section 449;

Sec. 2. 4 MRSA §1151, sub-§2, as repealed and replaced by PL 1989, c. 502, Pt. A, §9, is amended to read:

2. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 10, section 8003, subsection 5; Title 29; Title 32, ~~chapter 113~~ chapters 105 and 114; and Title 35-A, section 3132, the Administrative Court ~~shall have~~ has exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and ~~shall have~~ has original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The Administrative Court ~~shall have~~ has original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license or licensing laws or rules.

Notwithstanding any other provisions of law, no licensing agency may reinstate or otherwise affect a license suspended, revoked or modified by the Administrative Court pursuant to a complaint filed by the Attorney General, without the approval of the Attorney General.

Sec. 3. 5 MRSA §947-A, sub-§1, ¶F, as enacted by PL 1985, c. 785, Pt. A, §47, is repealed.

Sec. 4. 5 MRSA §10051, sub-§1, as amended by PL 1989, c. 203, §1, is further amended to read:

1. Jurisdiction. Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 29; Title 32, chapters 105 and 114; and Title 35-A, section 3132, the Administrative Court ~~shall have~~ has exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by the agency and ~~shall have~~ has original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 5. 5 MRSA §12004-G, sub-§17, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 6. 12 MRSA §7901, sub-§10, as enacted by PL 1985, c. 737, Pt. A, §34, is repealed.

Sec. 7. 15 MRSA §224-A, sub-§2, as amended by PL 1983, c. 862, §42, is further amended to read:

2. Funding. The Extradition Account in each prosecutorial district ~~shall be~~ is funded by bail forfeited

to and recovered by the State pursuant to the Maine Rules of Criminal Procedure, Rule ~~46D or District Court Criminal Rules, Rule 40~~ 46. Whenever bail is so forfeited and recovered by the State, the district attorney shall determine whether it or a portion of it ~~shall be~~ is deposited in the Extradition Account for ~~his~~ that district attorney's prosecutorial district, but in no event may the account exceed $10,000. Any bail so forfeited and recovered and not deposited in the Extradition Account ~~shall~~ must be deposited in the General Fund. Any unexpended balance in the Extradition Account of a prosecutorial district established by this section ~~shall~~ may not lapse but ~~shall~~ must be carried forward into the next year.

Sec. 8. 17-A MRSA §202, sub-§1, as amended by PL 1979, c. 701, §20, is further amended to read:

1. A person is guilty of felony murder if acting alone or with one or more other persons in the commission of, or an attempt to commit, or immediate flight after committing or attempting to commit, murder, robbery, burglary, kidnapping, arson, ~~rape,~~ gross sexual ~~misconduct~~ assault, or escape, ~~he~~ the person or another participant in fact causes the death of a human being, and ~~such~~ the death is a reasonably foreseeable consequence of such commission, attempt or flight.

Sec. 9. 24-A MRSA §2304, sub-§4, as amended by PL 1989, c. 843, §1, is repealed.

Sec. 10. 24-A MRSA §2304-A, as enacted by PL 1989, c. 797, §8 and c. 843, §2, is repealed and the following enacted in its place:

§2304-A. Rate filings

1. Every insurer shall file with the superintendent, except as to inland marine risks which by general custom of the business are not written according to manual rates or rating plans, every manual rate, minimum premium, class rate, rating schedule or rating plan and every other rating rule, and every modification of any of the foregoing which it proposes to use. Every such filing must state the effective date of the filing, and indicate the character and extent of the coverage contemplated. Every such filing must be made not less than 30 days in advance of the stated effective date unless that 30-day requirement is waived by the superintendent. The effective date may be suspended by the superintendent for a period of time not to exceed 60 days.

2. Every insurer must file or incorporate by reference material that has been approved by the superintendent at the time rates are filed, including all supplementary rating, and supporting information to be used in support of or in conjunction with a rate. The information furnished in support of a filing may include or reference:

A. The experience or judgment of the insurer or information filed by an advisory organization on behalf of the insurer as permitted by sections 2321-D and 2321-E;

B. The insurer's interpretation of any statistical data upon which it relies;

C. The experience of other insurers or advisory organizations; or

D. Any other relevant factors.

3. An advisory organization filing of prospective loss costs and supplementary rating information must be filed for approval at least 60 days before it becomes effective. This period may be extended by the superintendent for an additional period not to exceed 60 days if written notice is given to the advisory organization that additional time is needed for the consideration of the filing. Upon written application by the advisory organization, the superintendent may authorize a filing that has been reviewed to become effective before the expiration of the waiting period or any extension of the waiting period. A filing is deemed to meet the requirements of this chapter unless disapproved by the superintendent within the waiting period or any extension of the waiting period.

If the superintendent has requested the advisory organization to furnish the information upon which it supports that filing, the waiting period commences as of the date that information is furnished.

4. When a filing is not accompanied by the information upon which the insurer supports that filing, the superintendent may require the insurer to furnish the information upon which it supports the filing.

Any filing may be supported by the experience, or judgment if experience is not available, of the insurer or advisory organization making the filing, the experience of other insurers or advisory organizations or any other factors that the insurer or advisory organization determines relevant. A filing and any other supporting information are open to public inspection after the filing becomes effective.

5. Specific inland marine rates on risks specially rated, made by an advisory organization, must be filed with the superintendent, become effective when filed, and are deemed approved and in compliance with the requirements of this chapter until the superintendent rejects the filing.

6. Filings of rates to be utilized in connection with one or more mass marketing plans as defined in section 2932 must clearly identify their applicability to those plans.

7. Except as provided in section 2304-C, a rate filing and its supporting data are confidential until the filing becomes effective.

8. Nothing in this chapter requires an advisory organization or its members or subscribers immediately to refile final rates or premium charges previously approved or law-

fully in effect. Members or subscribers of an advisory organization are authorized to continue to use rates or premium charges approved or lawfully in effect before the effective date of this chapter.

Sec. 11. 24-A MRSA §2304-C is enacted to read:

§2304-C. Physicians and surgeons liability insurance rates

Physicians and surgeons liability insurance rate filings are first subject to this section, but any other provisions of this chapter not inconsistent with this section also apply. Notwithstanding this section, filings made by advisory organizations are subject to this section only to the extent permitted by law, and laws prohibiting activities or the filing of certain information by advisory organizations supersede the provisions of this section.

1. Contents of filing. Every filing subject to this section must include the data, statistics, schedules or information necessary for the superintendent to determine whether the filing complies with this chapter. The superintendent may waive any noncompliance with this subsection if the superintendent determines that the noncompliance is immaterial. The required information includes, but is not limited to:

A. Rates:

(1) Current rates by rating class at basic limits and larger optional limits of coverage; and

(2) Proposed rates by rating class at basic limits and larger optional limits of coverage;

B. Historical experience:

(1) Maine total limits premium, paid claims, paid allocated loss adjustment expenses, incurred claims, incurred allocated loss adjustment expenses, and incurred loss ratio for not less than the 5 most recent years available;

(2) Maine basic limits written or earned premium or exposure, paid claims, paid allocated loss adjustment expenses, incurred claims, incurred allocated loss adjustment expenses, and incurred loss ratio or pure premium for not less than the 5 most recent years available; and

(3) Any other experience used to support the proposed changes;

C. Adjustment factors:

(1) Premiums or exposure at basic limit adjusted to current rate level or exposure, and a description of the method used to adjust historical earned premium or exposure to current level;

(2) Loss development exhibits showing the change in paid and incurred losses and allocated loss adjustment expenses from period to period, evaluated at least annually, and an explanation of the loss development method used to project the ultimate value of claims and allocated loss adjustment expenses;

(3) Trend factor calculations and application, including the following:

(a) An explanation of the trending procedure and assumptions;

(b) Trend based on experience in this State as well as other actuarially sound sources of trend information; and

(c) Frequency and severity trend factor calculations, shown separately; and

(4) Credibility weighting of alternative sources of data, including a description of the methodology used and the appropriateness of the method to its use in the filing;

D. Classification exposure, premium and loss experience in the State for not less than the 5 most recent years available, and other experience determined to be credible in selecting the proposed classification relativities. Classification experience must be provided in any filing in which the filer has proposed changes to the classification relativities, but not less frequently than every 3 years;

E. Expense provisions used in developing the proposed rates, an explanation of the procedure used to develop these provisions, and the actual historical expenses for each of the 3 most recent years available in the following categories: commissions; other acquisition expenses; general expenses; taxes, licenses and fees; unallocated loss adjustment expenses; and other expenses;

F. An evaluation of any law changes that will become effective during the period in which rates will be in effect or any law changes in effect but not evaluated in a prior filing and not reflected in the reported experience;

G. An estimate of the investment income that will be earned on loss and loss adjustment expense reserves and unearned premium reserves during the period the rates are to be in effect and claims remain unpaid, and evidence that the filing gives full consideration to that estimated income. The filing must include the expected expense and claim payout pattern and an explanation of the derivation of the payout pattern; and

H. Information regarding cost or expense control programs, procedures or practices implemented by the filer to improve efficiency of the company or to control or limit premium charges to insureds.

2. Additional information. The superintendent may require, at any time, any additional information the superintendent determines necessary.

3. Assertion of confidential status. Any insurer, rating organization or advisory organization that asserts that any portion of a filing is entitled to confidential status for purposes of subsection 5, shall identify that portion of the filing at the time of filing and shall state the basis for the assertion.

4. Notice of filing. The superintendent shall maintain a list of all persons who request notice of physicians and surgeons liability insurance rate filings. Within 10 days of receipt of such a rate filing, the superintendent shall notify each person on that list.

5. Interested persons. Immediately after receiving a filing under this section, the superintendent shall grant access to the entire filing, including confidential information, to any interested person who pays premiums for physicians and surgeons liability coverage to the company that made the filing, and to any person or organization representing a group of such persons. Any person who has access to confidential information under this section shall maintain the confidentiality of that information by means of a confidentiality agreement or pursuant to a protective order of the superintendent.

6. Public hearing. The superintendent may hold a public hearing on any filing, as provided in sections 229 to 235. At the request of any person described in subsection 5, the superintendent shall, as required by section 229, hold a public hearing on the filing.

7. Procedures; rules. The superintendent may adopt rules under Title 5, chapter 375, establishing procedures for the administration of this section.

Sec. 12. 24-A MRSA §2367, sub-§7, as enacted by PL 1989, c. 673, §2 and affected by §3 and as enacted by c. 780, §8 and affected by §9, is repealed and the following enacted in its place:

7. Public Advocate participation. The Public Advocate may participate as follows.

A. The Public Advocate, as appointed under Title 35-A, section 1701, may participate as a party in the hearing in which the superintendent makes the determinations required by this section. The Public Advocate may make timely and appropriate requests for data necessary to participate in those determinations.

B. At the time the superintendent begins the proceeding required by this subsection, the insurance carriers participating in the proceeding shall pay to the superintendent a fee of $20,000, which the superintendent shall immediately credit to the Public Advocate. If the insurance carriers file the data necessary for the superintendent's determination under this section at the same time as the carriers file for a rate change under section 2363, the carriers shall be required to pay a fee of only $10,000. The fee is to be segregated and expended for the purpose of employing outside consultants and paying other expenses, including staff salaries, to fulfill the requirements of this subsection. Any portion of the fee not so expended is to be returned to the insurance carrier.

Sec. 13. 24-A MRSA §2367, sub-§7-A is enacted to read:

7-A. Exemption from 1990 surcharge. Notwithstanding this section, employers who were policyholders during the policy year for which the deficit was determined but who are self-insured in 1990 are not subject to any surcharge ordered in 1990. This subsection does not exempt those employers from surcharges ordered after 1990 with respect to the deficit determined for the policy year beginning January 1, 1988.

Sec. 14. 26 MRSA §1192, sub-§11, as enacted by PL 1977, c. 570, §22, is amended to read:

11. Benefit payments to illegal aliens. On and after January 1, 1978, benefits ~~shall~~ are not ~~be~~ payable on the basis of services performed by an alien unless ~~such~~ the alien is an individual who was lawfully admitted for permanent residence at the time ~~such~~ the services were performed, was lawfully present for purposes of performing ~~such~~ the services, or was permanently residing in the United States under color of law at the time ~~such~~ the services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of ~~section 203(a)(7) or~~ section 212(d)(5) of the Immigration and Nationality Act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status ~~shall~~ must be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to ~~such~~ the individual are not payable because of ~~his~~ the individual's alien status ~~shall~~ may be made except upon a preponderance of the evidence.

Sec. 15. 28-A MRSA §124, sub-§1, ¶A, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

A. A majority of the votes cast in any municipality or unincorporated place on any local option question is in the affirmative, the commission may issue licenses

of the type authorized by the affirmative vote in that municipality or unincorporated place~~, except that in the case of a local option question under section 123, question 9, on bottle clubs, no license is required under this Title~~;

Sec. 16. 28-A MRSA §1054, sub-§8, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

8. Appeal procedure. Any licensee who has applied for a permit and has been denied, or whose permit has been revoked or suspended, may appeal the decision to the municipal board of appeals, as defined in Title ~~30~~ 30-A, section ~~2411~~ 2691, within 30 days of the denial, suspension or revocation. The municipal board of appeals, if the municipality has such a board, may grant or reinstate the permit if it finds that:

A. The permitted activities would not constitute a detriment to the public health, safety or welfare, or violate municipal ordinances or regulations; or

B. The denial, revocation or suspension was arbitrary and capricious.

Sec. 17. 29 MRSA §1312, sub-§11, ¶D, as amended by PL 1989, c. 740 and c. 784, §3, is repealed and the following enacted in its place:

D. Notwithstanding any other provision of this section, each operator of a motor vehicle involved in a motor vehicle accident shall submit to and complete a chemical test to determine that person's blood-alcohol level or drug concentration by analysis of the person's blood, breath or urine if there is probable cause to believe that a death has occurred or will occur as a result of the accident. The investigating law enforcement officer shall cause a test to be administered as soon as practicable following the accident. A law enforcement officer may determine which type of test is administered and shall report any failure of a person to submit to or complete a test at the officer's request to the Secretary of State by written statement under oath. The result of a test taken pursuant to this paragraph is admissible at trial if the court, after reviewing all the evidence regardless of whether the evidence was gathered prior to, during or after the administration of the test, is satisfied that probable cause exists, independent of the test result, to believe that the operator was under the influence of intoxicating liquor or drugs or had an excessive blood-alcohol level.

The Secretary of State shall suspend, for a period of one year, the license or permit to operate, right to operate a motor vehicle and right to apply for or obtain a license, pursuant to section 2241, subsection 1, paragraph N, of any person who fails to submit to or complete a test. The scope of any hearing the Secretary of State holds pursuant to section 2241 includes whether there was probable cause to believe that the person was the operator of a motor vehicle involved in a motor vehicle accident, whether there was probable cause to believe that the accident resulted or would result in a fatality and whether that person failed to submit to or complete chemical tests to determine the blood-alcohol level or drug concentration. If the person shows, after hearing, that the person was not under the influence of intoxicating liquor or drugs or that the person did not negligently cause the accident, then any suspension must be removed immediately.

Sec. 18. 29 MRSA §1312-B, sub-§2, ¶B, as amended by PL 1989, c. 771, §3 and c. 784, §6, is repealed and the following enacted in its place:

B. In the case of a person having no previous convictions of a violation of former section 1312, subsection 10, former section 1312-B or this section and having no previous suspension of license or privilege to operate for failure to comply with the duty to submit to and complete chemical testing under section 1312 within a 6-year period, the fine may not be less than $300, the sentence must include a period of incarceration of not less than 48 hours and the court shall suspend the defendant's license or permit to operate, right to operate a motor vehicle and right to apply for and obtain a license for a period of 90 days. These penalties may not be suspended when the person:

(1) Was tested as having a blood-alcohol level of 0.15% or more;

(2) Was driving in excess of the speed limit by 30 miles an hour or more during the operation that resulted in the prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;

(3) Eluded or attempted to elude an officer, as defined in section 2501-A, subsection 3, during the operation that resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more;

(4) Failed to submit to a chemical test for the determination of that person's blood-alcohol level or drug concentration at the request of a law enforcement officer on the occasion that resulted in the conviction; or

(5) Was, on the occasion that resulted in the conviction, operating or attempting to operate a motor vehicle with a passenger under 16 years of age.

Sec. 19. 29 MRSA §2013, sub-§1, ¶E, as repealed and replaced by PL 1989, c. 866, Pt. B, §14 and affected by §26 and repealed and replaced by c. 878, Pt. A, §81, is repealed and the following enacted in its place:

E. Passes an examination as the Secretary of State prescribes to determine that person's ability to operate the specific vehicle that will be driven as a school bus or any vehicle of comparable type. A fee of $10 must accompany the initial application for the examination. The fee for subsequent examinations is $5;

Sec. 20. 36 MRSA §5219-C, as enacted by PL 1989, c. 501, Pt. P, §32; c. 530, §§ 2 and 4; c. 585, Pt. C, §17 and as amended by c. 702, Pt. E, §14, is repealed and the following enacted in its place:

§5219-C. Forest management planning income credits

Once every 10 years, an individual is allowed a credit against the tax otherwise due under this Part for the lesser of $200 or the individual's cost for having a forest management and harvest plan developed for a parcel of forest land greater than 10 acres. For purposes of this section, the licensed professional forester may not be in the regular employ of the individual. In no case may this credit reduce the state income tax to less than zero. Those taxpayers claiming this credit must attach a statement from the forester supporting the claim and swear that the credit has not been claimed by them in the previous 10 years. Those taxpayers deducting the cost of the forester as an expense under the Internal Revenue Code must reduce the expense by the amount of the credit. This credit may be used in any tax year beginning on or after January 1, 1989.

Sec. 21. 36 MRSA §5219-E is enacted to read:

§5219-E. Investment tax credit

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Directly" has the same meaning as defined in section 1752, subsection 2-A.

B. "Investment credit base" means the total original basis, without adjustment, for federal income tax purposes, of the taxpayer of all machinery and equipment placed in service for the first time in this State by the taxpayer or other person during any of the prior 3 taxable years, except in taxable years ending in 1993, the prior 4 taxable years, excluding the basis of machinery and equipment placed in service in this State prior to January 1, 1989. In the case of a combined report, the term investment credit base means the sum of the investment credit bases for all corporations included in the report.

C. "Machinery and equipment" means machinery and equipment as defined in section 1752, subsection 7-B, with a situs in the State as of the last day of the immediately prior taxable year:

(1) That was subject to an allowance for depreciation under the Code by the taxpayer as of the last day of the immediately prior taxable year or would have been subject to an allowance for depreciation under the Code by the taxpayer as of that date, but for the fact that the property had been fully depreciated; and

(2) That is used directly and primarily in the production of tangible personal property intended to be sold or leased ultimately for final use or consumption.

D. "Primarily" has the same meaning as defined in section 1752, subsection 9-A.

E. "Production" has the same meaning as defined in section 1752, subsection 9-B.

2. Credit allowed. A taxpayer is allowed a credit against the tax imposed by this Part for each taxable year equal to 1.5% of the investment credit base of the taxpayer. In the case of an affiliated group of corporations engaged in a unitary business, the credit must be applied against the total tax liability of all the taxable corporations in the affiliated group and must be apportioned among those taxable corporations in the same proportion as the tax liability of each taxable corporation bears to the total tax liability of all the taxable corporations.

3. Limitation. The credit allowed by subsection 2 for the taxable year, plus any credit carry-forward or carry-back to the taxable year allowed by subsection 5, may not exceed so much of the tax liability of the taxpayer, or the total tax liability of all taxable corporations that are members of an affiliated group engaged in a unitary business, for the taxable year as does not exceed $25,000 plus 75% of so much of the tax liability for the taxable year as exceeds $25,000. When the limitation provided in this subsection is exceeded, carry-forwards are applied first, credits under subsection 2 for the taxable year are applied 2nd and carry-backs are applied last. Carry-forwards from an earlier unused credit year are applied before carry-forwards from a later unused credit year and carry-backs from an earlier unused credit year are used before carry-backs from a later unused credit year.

4. Partnerships and S corporations. In the case of machinery and equipment held by a partnership or an S corporation, the term "taxpayer" as used in subsection 1 means the partnership or S corporation. For the purposes of this section, a partner of a partnership shall have an investment credit base determined by multiplying the investment credit base of the partnership by the partner's percentage interest in the taxable income or loss of the partnership for federal income tax purposes for the taxable year and a shareholder of an S corporation shall have an investment credit base determined by multiplying the investment credit base of the S corporation by the shareholder's percentage share of the stock of the S corporation as of the end of the taxable year.

5. Carry-forward and carry-back. If the sum of the amount of the credit allowed for any taxable year under subsection 2, plus the amount of any credit carry-forwards to the taxable year, exceeds the amount of the limitation imposed by subsection 3 for that taxable year, in this section referred to as the "unused credit year," that excess attributable to the credit allowed for the taxable year under subsection 2 may be carried back for no more than 3 taxable years and may be carried forward for no more than 5 taxable years and, subject to the provisions of subsection 3, may be applied as a credit against the tax imposed by this Part for the taxable year or years to which carried. The entire amount of the unused credit must 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 due to the provisions of subsection 3.

Sec. 22. 38 MRSA §2310, sub-§2, as enacted by PL 1989, c. 929, §7, is amended to read:

2. Terms. All appointed members are appointed for staggered terms of 3 years. The President of the Senate and the Speaker of the House of Representatives shall appoint each one member for a one-year initial term, one member for a 2-year initial term and one member for a 3-year initial term. The Governor shall appoint 2 members for one-year initial terms, 2 members for 2-year initial terms and 2 members for 3-year initial terms. A vacancy must be filled by the same appointing authority ~~which~~ that made the original appointment. No appointed member may serve more than 2 ~~4-year~~ 3-year terms.

Sec. 23. PL 1989, c. 700, Pt. A, §A-41 is repealed.

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

Effective June 20, 1991.

CHAPTER 378

S.P. 583 - L.D. 1536

An Act to Amend the Laws Regarding the Labeling of Seafood

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

12 MRSA §6112, as repealed and replaced by PL 1985, c. 622, §3, is amended to read:

§6112. Labeling of food products containing surimi

~~No~~ A food product may not be sold in this State consisting of or containing surimi unless the packaging containing the food product is clearly and conspicuously labeled ~~as~~ or, if there is no packaging, unless a sign is conspicuously displayed, indicating that the product is "imitation lobster," "imitation crab," "imitation" followed by the name of the seafood imitated, "processed seafood," "surimi," "lobster-processed seafood salad," "crab-processed seafood salad" or other terms as approved by the Department of Marine Resources through rules adopted in accordance with Title 5, chapter 375, subchapter II. Any term approved by that department ~~shall be~~ is sufficient to notify the public that the product contains surimi.

See title page for effective date.

CHAPTER 379

H.P. 1203 - L.D. 1759

An Act to Amend the Law Concerning the Cost-sharing Formula for School Administrative Districts

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

20-A MRSA §1301, sub-§3, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. If requested by a written petition of at least 10% of the number of voters voting in the last gubernatorial election ~~in the municipalities~~ within the district, or if approved by a majority of the full board of directors, the board of directors shall hold a meeting of municipal representatives to ~~determine the necessity of reconsidering~~ reconsider the method of sharing costs. The district shall give at least 15 days' notice to each municipality comprising the district of that meeting.

See title page for effective date.

CHAPTER 380

H.P. 53 - L.D. 74

An Act Regarding Liability for Persons Responding to Oil Spills

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

Sec. 1. 38 MRSA §542, sub-§§4-A, 5-A, 9-A and 9-B are enacted to read:

4-A. Federal contingency plan. "Federal contingency plan" means an area, regional or local contingency