

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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1992-93

**EXECUTIVE DEPARTMENT****Office of Siting and Disposal  
Operations**

All Other (\$44,608)

Provides for the deallocation of funds from changes in the site screening and selection process due to a reduction in available revenues.

**EXECUTIVE DEPARTMENT  
TOTAL**

(\$44,608)

**FINANCE AUTHORITY OF MAINE****Waste Reduction and Recycling  
Loan Fund**

All Other (\$5,248)

Provides for the deallocation of funds from a low-interest loan program for recycling due to a reduction in available revenues.

**FINANCE AUTHORITY OF MAINE  
TOTAL**

(\$5,248)

**ENVIRONMENTAL PROTECTION,  
DEPARTMENT OF****Solid Waste Management**

All Other (\$15,744)

Provides for the deallocation of funds from operational support funds due to a reduction in available revenues.

**DEPARTMENT OF ENVIRONMENTAL  
PROTECTION  
TOTAL**

(\$15,744)

**TOTAL ALLOCATIONS**

(\$65,600)

See title page for effective date.

**CHAPTER 820****H.P. 1497 - L.D. 2109****An Act to Clarify the Administrative Practices of  
the State Tax Assessor Pertaining to State-issued  
Licenses**

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

**Sec. 1. 36 MRSA §175, sub-§1**, as repealed and replaced by PL 1987, c. 402, Pt. A, §178, is amended to read:

**1. Information provided to State Tax Assessor.**

Every department, board, commission, division, authority, district or other agency of the State issuing or renewing a license or other certificate of authority to conduct a profession, trade or business shall annually, beginning in 1988 on or before April 1st, furnish provide to the State Tax Assessor, in such form as the State Tax Assessor assessor may prescribe, a list of all licenses or certificates of authority issued or renewed by that agency during the preceding calendar year. The list provided to the State Tax Assessor shall must contain the name, address, Social Security or federal identification number of the licensees and such other identifying information as the State Tax Assessor may adopt by rule require. Notwithstanding other provisions of law, all persons seeking a license or certificate of authority or a renewal beginning on or after January 1, 1987, shall provide and the responsible agency shall collect the information required by the State Tax Assessor under this section. Failure by persons to provide a licensing or certifying agency that information shall result results in an automatic denial of any request for a license or certificate of authority or a renewal.

**Sec. 2. 36 MRSA §175, sub-§2**, as amended by PL 1989, c. 880, Pt. C, §2, is further amended to read:

**2. Failure to file or pay taxes; determination to prevent renewal, reissuance or other extension of license or certificate.** If the State Tax Assessor determines, from the information formulated under subsection 1 or otherwise, that any person who holds a state-issued license or certificate of authority to conduct a profession, trade or business has neglected or refused either to file any returns at the time required under this Title or to pay any tax liability due under this Title which that has been demanded, and the person continues to fail to file or pay after at least 2 specific written requests to do so, the State Tax Assessor assessor shall notify the person in writing that refusal to file the required tax return or to pay the overdue tax liability may result in loss of license or certificate of authority. The revocation notice is also conditioned upon the continuing failure to file or pay after at least 2 specific requests to file required returns or to pay a demanded liability. If the person continues for a period in excess of 30 days from notice of possible denial of renewal or reissuance of a license or certificate of authority to fail to file or show reason why the person is not required to file or if the person continues not to pay, the State Tax Assessor shall notify the person in writing of the determination to prevent renewal or, reissuance or extension of the license or certificate of authority by the issuing agency. A review of this determination is available by requesting a petition for reconsideration under section 151, subject to appeal to the Superior Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. Either by failure to proceed to the next step of appeal or by ex-

haustion of the steps of appeal, the determination of the ~~State Tax Assessor's~~ assessor's right to prevent renewal or reissuance becomes final unless otherwise determined by appeal.

**Sec. 3. 36 MRSA §175, sub-§3**, as amended by PL 1989, c. 880, Pt. C, §2, is repealed and the following enacted in its place:

**3. Refusal to renew, reissue or otherwise extend license or certificate.** Notwithstanding any other provision of law, any issuing agency that is notified by the State Tax Assessor of the assessor's final determination to prevent renewal or reissuance of a license or certificate of authority under subsection 2 shall refuse to reissue, renew or otherwise extend the license or certificate of authority. Notwithstanding Title 5, sections 10003 and 10005, an action by an issuing agency pursuant to this subsection is not subject to the requirements of Title 5, chapter 375, subchapters IV and VI, and no hearing by the issuing agency or in Administrative Court is required. A refusal by an agency to reissue, renew or otherwise extend the license or certificate of authority is deemed a final determination within the meaning of Title 5, section 10002.

**Sec. 4. 36 MRSA §175, sub-§§4 and 5** are enacted to read:

**4. Subsequent reissuance, renewal or other extension of license or certificate.** The agency may reissue, renew or otherwise extend the license or certificate of authority in accordance with the agency's statutes and rules after the agency receives a certificate issued by the State Tax Assessor that the person is in good standing with respect to all returns due or with respect to any tax due as of the date of issuance of the certificate. An agency may waive any applicable requirement for reissuance, renewal or other extension if it determines that the imposition of that requirement places an undue burden on the person and that a waiver of the requirement is consistent with the public interest.

**5. Financial institutions excluded.** This section does not apply to any registration, permit, order or approval issued pursuant to Title 9-B.

**Sec. 5. 36 MRSA §191, sub-§2, ¶N**, as amended by PL 1987, c. 769, Pt. A, §148, is further amended to read:

N. The disclosure by the State Tax Assessor of computerized individual income tax data, without identification by taxpayer name, number or address, to a research agency of the Legislature; ~~and~~

**Sec. 6. 36 MRSA §191, sub-§2, ¶O**, as enacted by PL 1987, c. 769, Pt. A, §149, is amended to read:

O. The disclosure to an authorized representative of the Department of Human Services of the most

recent address of a delinquent payor of child support when a written request containing the payor's Social Security number is made by the department; and

**Sec. 7. 36 MRSA §191, sub-§2, ¶P** is enacted to read:

P. The public disclosure by the State Tax Assessor of the name, last known business address and title of the professional license or certificate of any person whose license or certificate of authority to conduct a profession, trade or business in this State has not been renewed, reissued or otherwise extended by order of the assessor pursuant to section 175. This disclosure may be made only after no further administrative or judicial review of the order is available under section 151 or the Maine Administrative Procedure Act.

See title page for effective date.

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## CHAPTER 821

S.P. 899 - L.D. 2318

### An Act to Amend the Maine Civil Rights Law Regarding Violations of Constitutional Rights

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

**Sec. 1. 5 MRSA §4681**, as enacted by PL 1989, c. 582, is amended to read:

#### §4681. Violations of constitutional rights; civil action by Attorney General

Whenever any person, whether or not acting under color of law, intentionally interferes by physical force or violence or the threat, intimidation or coercion of physical force or violence or attempts to intentionally interfere by physical force or violence or the threat, intimidation or coercion, of physical force or violence with the exercise or enjoyment by any other person of rights secured by the United States Constitution or the laws of the United States or of rights secured by the Constitution of Maine or laws of the State, the Attorney General may bring a civil action for injunctive or other appropriate equitable relief in order to protect the peaceable exercise or enjoyment of the rights secured. The civil action shall must be brought in the name of the State and ~~shall be~~ instituted in the Superior Court for the county where the alleged violator resides or has a principal place of business.

**Sec. 2. 5 MRSA §4682**, as enacted by PL 1989, c. 582, is repealed and the following enacted in its place: