

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

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

Effective June 7, 1993.

CHAPTER 286

H.P. 586 - L.D. 790

An Act to Clarify the Tax-exempt Status of Community Mental Health Service Facilities

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

Whereas, nonprofit community mental health service facilities are a vital component of our mental health care system; and

Whereas, nonprofit community mental health service facilities serve populations of Maine citizens that have no other access to similar resources; and

Whereas, funds for nonprofit community mental health service facilities are extremely scarce, making it imperative that funds for services be devoted solely to the rendition of services and not dissipated in the form of costly legal fees for the litigation of issues relating to the tax-exempt status of the activities of nonprofit community mental health service facilities; and

Whereas, immediate action is necessary to prevent the inappropriate assessment of real estate of nonprofit community mental health service facilities as of the annual assessment date of April 1st; 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. 36 MRSA §652, sub-§1, ¶A, as amended by PL 1991, c. 420, is further amended to read:

A. The real estate and personal property owned and occupied or used solely for their own purposes by benevolent and charitable institutions incorporated by this State, and none of these may be deprived of the right of exemption by reason of the source from which its funds are derived or by reason of limitation in the classes of persons for whose benefit such funds are applied.

(1) Any such institution which that is in fact conducted or operated principally for the benefit of persons who are not residents of Maine is entitled to an exemption not to exceed \$50,000 of current just value only when the total amount of any stipends or charges which that it makes or takes during any tax year, as defined by section 502, for its services, benefits or advantages divided by the total number of persons receiving such services, benefits or advantages during the same tax year does not result in an average rate in excess of \$30 per week when said weekly rate is computed by dividing the average yearly charge per person by the total number of weeks in a tax year during which such institution is in fact conducted or operated principally for the benefit of persons who are not residents of Maine. No such institution which that is in fact conducted or operated principally for the benefit of persons who are not residents of Maine and makes charges which that result in an average weekly rate per person, as computed under this subparagraph, in excess of \$30 may be entitled to tax exemption. This subparagraph does not apply to institutions incorporated as nonprofit corporations for the sole purpose of conducting medical research.

For the purposes of this paragraph, "benevolent and charitable institutions" include, but are not limited to, nonprofit nursing homes and nonprofit boarding homes and boarding care facilities licensed by the Department of Human Services pursuant to Title 22, chapter 1665 or its successor and nonprofit community mental health service facilities licensed by the Commissioner of Mental Health and Mental Retardation, pursuant to Title 34-B, chapter 3. For the purposes of this paragraph, "nonprofit" means a facility exempt from taxation under Section 501(c)(3) of the Code; ;

Sec. 2. Application. This Act applies for property tax years beginning on or after April 1, 1993.

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

Effective June 7, 1993.

CHAPTER 287

S.P. 401 - L.D. 1232

An Act Regarding Reciprocity of Licensing Barbers and Cosmetologists

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

Sec. 1. 32 MRSA §14231, as enacted by PL 1991, c. 397, §6, is amended to read:

§14231. Reciprocity with other states

The board ~~may~~ shall waive the examination and grant a license to any applicant who presents proof of ~~current licensure in being authorized to practice by another state or other jurisdiction of the United States or another country that grants similar privileges to persons registered under this chapter and maintains professional standards considered by the board to be equivalent to or higher than those set forth in this chapter, as long as no cause exists for denial of a license under section 14236. Such an applicant must pay the fee as provided in section 14238.~~

~~The board may allow an applicant to take the examination if that applicant presents proof of age, education, training or experience at least equal to that required in this chapter for the applicable license type in another state or jurisdiction of the United States or another country that maintains professional standards considered by the board to be equivalent to those set forth in this chapter, as long as no cause exists for the denial of a license under section 14236. Such an applicant must pay the fee as provided in section 14238.~~

See title page for effective date.

CHAPTER 288

S.P. 158 - L.D. 523

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1994 and June 30, 1995

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 incident to the operation of the Department of Public Safety and the Department of the Secretary of State will become due and payable on or immediately after July 1, 1993; 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. 29 MRSA §2713, sub-§3, ¶A, as amended by PL 1991, c. 547, §1, is further amended to read:

A. There must be allocated to the Department of Public Safety for the State Police up to ~~\$2,400,000~~ \$2,600,000 in fiscal year ~~1991-92~~ 1993-94 and ~~\$2,400,000~~ \$2,600,000 in fiscal year ~~1992-93~~ 1994-95 from the fund to carry out the duties of the bureau imposed by this chapter and Title 35-A and for related activities.

Sec. 2. 29 MRSA §2713, sub-§3, ¶B-1, as amended by PL 1991, c. 837, Pt. A, §76, is further amended to read:

B-1. There must be allocated to the Department of the Secretary of State for the Bureau of Motor Vehicles up to ~~\$650,000~~ \$660,000 annually from the fund to carry out the duties of the commercial driver license laws.

Sec. 3. Allocation of funds. Income to the Transportation Safety Fund for the next 2 fiscal years, from July 1, 1993 to June 30, 1994 and from July 1, 1994 to June 30, 1995, must be segregated, apportioned and disbursed as designated in the following schedule.

	1993-94	1994-95
PUBLIC SAFETY, DEPARTMENT OF		
Traffic Safety - Commercial Vehicle Enforcement		
Positions - Legislative Count	(41.0)	(41.0)
Personal Services	\$2,157,027	\$2,142,335
All Other	293,817	296,883
Capital Expenditures	81,186	86,555
Provides funds for a State Police Sergeant, a State Police Specialist, a State Police Corporal, 30 State Police Troopers, a Safety Inspector Supervisor, 7 Motor Carrier Inspectors, general operating expenses and capital expenditures to enforce commercial vehicle laws throughout the State.		
DEPARTMENT OF PUBLIC SAFETY TOTAL	\$2,532,030	\$2,525,773
SECRETARY OF STATE, DEPARTMENT OF THE		
Administration - Motor Vehicles		
Positions - Legislative Count	(18.0)	(18.0)
Personal Services	\$544,487	\$545,217