

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

PART III

Sec. III-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1993-94	1994-95
CONSERVATION, DEPARTMENT OF		
Parks - General Operations		
Personal Services	\$15,000	\$15,000
All Other	33,904	29,039
Provides funds to restore one seasonal Park Ranger position and to offset other deappropriations made in Part B, section 1.		
DEPARTMENT OF CONSERVATION	\$48,904	\$44,039
TOTAL		

PART JJJ

Sec. JJJ-1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

	1993-94	1994-95
HUMAN SERVICES, DEPARTMENT OF		
Elder and Adult Services - Bureau of		
All Other	\$76,081	\$76,081
Provides for the appropriation of funds to reflect a transfer from the Retired Senior Volunteer Program and to offset a deappropriation in Part GGG, section 1.		
DEPARTMENT OF HUMAN SERVICES	76,081	76,081
TOTAL		

RETIRED SENIOR VOLUNTEER PROGRAM

	1993-94	1994-95
Retired Senior Volunteer Program		
All Other	(76,081)	(76,081)
Provides for the deappropriation of funds due to a transfer to the Department of Human Services, Bureau of Elder and Adult Services and to offset an appropriation in Part GGG, section 1.		

RETIRED SENIOR VOLUNTEER PROGRAM	(76,081)	(76,081)
TOTAL		
SECTION JJJJ-1	\$-0-	\$-0-
TOTAL		

PART KKKK

Sec. KKKK-1. 36 MRSA §1811, as amended by PL 1991, c. 591, Pt. XX, §§1 and 2 and affected by §§7 and 8, is further amended by adding 3 new paragraphs at the end to read:

On or before May 15th of each year, the State Budget Officer shall present a final estimate of General Fund revenues for the current fiscal year, taking into consideration an estimate of the Revenue Forecasting Committee. If estimated General Fund revenues for the current fiscal year exceed those of the prior fiscal year by 8% or more, on a base-to-base comparison excluding one-time revenue gains and losses, revenue in an amount equivalent to that generated by 0.5% of the tax on the sale of personal property and taxable services taxed at a rate of 6% on the effective date of this paragraph must be transferred by the State Controller to the Maine Rainy Day Fund as described in this section.

Each month following a fiscal year during which General Fund revenues exceed those of the previous fiscal year by 8% or more, on a base-to-base comparison excluding one-time revenue gains and losses, the State Controller shall transfer an amount equivalent to that generated over the preceding month by 0.5% of the tax on the sale of personal property and taxable services taxed at a rate of 6% on the effective date of this paragraph to the Maine Rainy Day Fund until such time as the tax imposed by this chapter is reduced.

If General Fund revenues for any fiscal year, as determined by the State Controller at the close of the fiscal year following the end of that fiscal year, exceed those of the previous fiscal year by 8% or more, on a base-to-base comparison excluding one-time revenue gains and losses, the tax on the sale of those tangible personal property and taxable services taxed at a rate of 6% on the effective date of this paragraph shall fall by 0.5% on the subsequent October 1st, unless the Legislature takes action to prevent the reduction.

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

Effective June 30, 1993, unless otherwise indicated.

CHAPTER 411

H.P. 546 - L.D. 742

An Act Imposing Term Limits on Legislative Leadership Positions

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

Sec. 1. 3 MRSA §24 is enacted to read:

§24. Floor leaders; term limitation

A person may not serve in the Senate for more than 3 consecutive legislative bienniums in each of the following positions: party floor leader or assistant party floor leader. Service in either capacity in the Senate before December 2, 1992 or service as a party floor leader, assistant party floor leader or whip in the House of Representatives is not included in the calculation of years served.

Sec. 2. 3 MRSA §44 is enacted to read:

§44. Floor leaders; term limitation

A person may not serve in the House of Representatives for more than 3 consecutive legislative bienniums in each of the following offices: party floor leader, assistant party floor leader or whip. Service in such capacity before December 2, 1992 or service as a party floor leader or assistant party floor leader in the Senate is not included in the calculation of years served.

Sec. 3. **Retroactivity.** This Act takes effect retroactively to December 2, 1992.

See title page for effective date.

CHAPTER 412

H.P. 963 - L.D. 1294

An Act to Ensure Implementation of the Federal Clean Air Act Amendments of 1990

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

Sec. 1. 38 MRSA §353-A, sub-§1, as enacted by PL 1991, c. 384, §8, and as affected by §16, is amended to read:

1. **Fees assessed.** After the effective date of this section, a licensee must pay an annual fee assessed on the sum of all licensed allowable air pollutants, except for carbon monoxide, as follows:

Annual licensed emissions in tons	Per ton fee
1 - 1,000	\$2 \$5
1,001 - 4,000	\$4 \$10
over 4,001	\$8 \$15

Sec. 2. 38 MRSA §353-A, sub-§1-A is enacted to read:

1-A. Annual fee surcharge. Beginning November 1, 1994, a licensee shall pay an annual fee surcharge of \$10 per every 1,000 air quality units as defined in section 582, subsection 11-E.

Sec. 3. 38 MRSA §353-A, sub-§§3, 4 and 6, as enacted by PL 1991, c. 384, §8, and affected by §16, are amended to read:

3. **Schedule.** The fee for existing licenses must be paid on the anniversary date of the license. This date, once established, remains the scheduled date for paying the annual fee, regardless of future changes of the anniversary date. The annual fee for new applications must be estimated and paid at the time of filing the application. When the processing of the application is complete, the final annual fee is determined. Any additional amount is due prior to the issuance of the license. Any overpayment must be refunded. If the application is denied, 50% of the initial annual fee must be refunded. The effective date of the license becomes the anniversary date.

4. **Maximum and minimum fees.** The minimum annual fee is ~~\$100~~ \$250 per year. ~~The maximum annual fee is \$100,000 per year.~~ The maximum annual fee is \$150,000 per year. Beginning November 1, 1994, the minimum annual fee surcharge is \$100 per year and the maximum annual fee surcharge is \$50,000 per year.

6. **Electrical generating facilities.** The annual fee for an electrical generating facility owned or operated by a regulated electric utility that has operated the facility at not more than 20% of its capacity factor over the most recent 4-year period is calculated on the 20% capacity factor. If the facility exceeds the 20% capacity factor in any calendar year, the annual fee is based on ~~actual~~ licensed allowable emissions.

Sec. 4. 38 MRSA §353-A, sub-§9 is enacted to read:

9. **Funds used solely for air pollution control activities.** The money collected from the annual air emission fees must be used solely for air pollution control activities.

Sec. 5. 38 MRSA §569-A, sub-§5, ¶¶A and B, as enacted by PL 1991, c. 817, §26, are amended to read:

A. Until January 1, 1994 and after January 1, 1998, a fee is assessed of 44¢ per barrel of gasoline; 25¢ per barrel of refined petroleum products and their by-products other than gasoline, liquid asphalt and #6 fuel oil, including #2 fuel oil, kerosene, jet fuel and diesel fuel; and ~~40¢~~ 4¢ per barrel of #6 fuel oil. The fee is assessed on the first transfer of those