

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

~~Any~~ An investment described in section 3415 ~~shall~~ may not be counted as an investment in a subsidiary in determining compliance with the limitations of this subsection.

Sec. 4. 36 MRSA §5102, sub-§6, as amended by PL 1985, c. 783, §18, is further amended to read:

6. Corporation. "Corporation" means any business entity subject to income taxation as a corporation under the laws of the United States, ~~excepting corporations either a corporation~~ subject to tax under sections 2512 to 2522 and section 5206 or a business entity referred to in Title 24-A, section 1157, subsection 5, paragraph B, subparagraph (1).

Sec. 5. Application. This Act applies to tax years beginning on or after January 1, 1994.

See title page for effective date.

CHAPTER 503

S.P. 588 - L.D. 1648

An Act to Amend Conditions of the Supervised Community Confinement Program

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

Sec. 1. 34-A MRSA §3036-A, sub-§8, as enacted by PL 1991, c. 845, §4, is amended to read:

8. Funding. Funds generated pursuant to this section must be deposited into the Supervised Community Confinement Account established by the department, ~~which may not lapse except that where authorized by the department, a person participating in the supervised community confinement program may be required to pay fees directly to a provider of electronic monitoring, drug testing or other services.~~ Funds from this account, ~~which may not lapse~~, must be used to pay for the costs of the supervised community confinement program.

See title page for effective date.

CHAPTER 504

S.P. 604 - L.D. 1702

An Act to Conform the Maine Tax Laws for 1993 With the United States Internal Revenue Code

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 would delay the processing of the 1993 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; 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 §111, sub-§1-A, as amended by PL 1993, c. 107, §1 and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1992~~ 1993.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1993.

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

Effective March 9, 1994.

CHAPTER 505

S.P. 579 - L.D. 1623

An Act to Amend the Credit Reporting Laws

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

Sec. 1. 10 MRSA §1320, sub-§2-C is enacted to read:

2-C. Consumer mortgage reports. In any consumer credit transaction involving a consumer report relating to a loan to be secured by a first mortgage on an owner-occupied dwelling, whenever a user has requested such a report and because or partly because of information contained in the report adverse action is taken, the user shall provide a copy of the report to the consumer. This subsection does not

apply if the consumer reporting agency provides a copy of the report to the consumer.

See title page for effective date.

CHAPTER 506

S.P. 577 - L.D. 1621

An Act to Protect Utility Consumers from Bearing Responsibility for Utility Mismanagement

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

Sec. 1. 35-A MRSA §301, sub-§4, ¶B, as amended by PL 1987, c. 377, is further amended to read:

B. May ~~Shall~~, to a level within the commission's discretion, consider whether the utility is operating as efficiently as possible and is utilizing sound management practices, including the treatment in rates of executive compensation.

See title page for effective date.

CHAPTER 507

S.P. 565 - L.D. 1600

An Act to Amend the Liquor Laws Pertaining to the Delivery of Beer and Wine

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

Sec. 1. 28-A MRSA §1361, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. No sales of malt liquor or wine to person without wholesale license. No certificate of approval holder, except a small Maine brewery or Maine farm winery licensee allowed to sell directly to retailers, may sell or cause to be transported into the State any malt liquor or wine to any person to whom a Maine wholesale license has not been issued by the commission. Malt liquor or wine must be delivered to the place of business of the wholesaler as shown in the wholesaler's license, must be unloaded and inventoried at the wholesaler's premises upon the wholesaler's receipt of the shipment and must come to rest before delivery is made to any retailer to enable the bureau to inspect and inventory wholesale warehouses for the purpose of verifying taxes that are required to

be paid on malt liquor and wine purchased by importers.

See title page for effective date.

CHAPTER 508

H.P. 1409 - L.D. 1919

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1994

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 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:

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1994, to the departments listed, the following sums.

1993-94

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Office of the Commissioner - Administrative and Financial Services

Personal Services (\$16,600)