

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

(iii) Property used for parsonages;

(iv) Property that was owned and occupied or used to provide residential rental housing that qualified for exemption under paragraph A or B prior to September 1, 1993; or

(v) Property exempt from taxation under other provisions of law; and

(7) In addition to the requirements of subparagraphs (1) to (4), an exemption is not allowed under paragraph A or B for real or personal property owned and occupied or used to provide residential rental housing that is transferred or placed in service on or after September 1, 1993, unless the property is owned by a nonprofit housing corporation and the operation of the residential rental housing is not an unrelated trade or business to the nonprofit housing corporation.

For the purposes of this subparagraph, the following terms have the following meanings.

(a) "Nonprofit housing corporation" means a nonprofit corporation organized in the State that is exempt from tax under Section 501(c)(3) of the Code and has among its corporate purposes the provision of services to people of low income or the construction, rehabilitation, ownership or operation of housing.

(b) "Residential rental housing" means one or more buildings, together with any facilities functionally related and subordinate to the building or buildings, containing one or more similarly constructed residential units offered for rental to the general public for use on other than a transient basis, each of which contains separate and complete facilities for living, sleeping, eating, cooking and sanitation.

(c) "Unrelated trade or business" means any trade or business whose conduct is not substantially related to the exercise or performance by a nonprofit organization of the purposes

constituting the basis for exemption under Section 501(c)(3) of the Code.

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

Effective March 31, 1994.

CHAPTER 573

S.P. 641 - L.D. 1788

An Act to Reduce the Property Tax Burden in Androscoggin County

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 30-A MRSA §725, sub-§§1 and 5, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

1. Proposed budget. The county commissioners shall submit itemized budget estimates, as described in sections 701 and 702, and a capital improvement program to the budget committee in a timely fashion, at least 60 days before the end of the county's fiscal year.

5. Adoption of budget. After the public hearing or hearings held under subsection 4 are completed, the budget committee may further increase, decrease, alter and revise the proposed itemized budgets, subject to the conditions and restrictions imposed in subsection 3. The proposed itemized budget and the capital improvement program submitted under subsection 1 must be finally adopted by a majority vote of the budget committee at a duly called meeting held before the end of the county's fiscal year.

Sec. 2. 30-A MRSA §725, sub-§9 is enacted to read:

9. Surplus funds. In developing the proposed itemized budget under this section, the budget committee and the county commissioners shall use 10% of any unencumbered surplus funds in excess of estimates from the previous fiscal year as reported in the audited financial report for that year to reduce the tax

levy for the next year. The remaining unencumbered surplus funds may only be allocated for the following purposes:

- A. To further reduce the tax levy;
- B. To establish a capital reserve account under section 921 to fund items in the capital improvement program approved under subsection 5;
- C. To restore the contingent account as provided in section 922, subsection 2; or
- D. To fund the county charter commission as provided in section 1322, subsection 4.

Sec. 3. 30-A MRSA §924, first ¶, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

The county commissioners of each county shall use the unexpended balances and the actual revenue in excess of estimates from the previous fiscal year only as provided in this section, except that the Androscoggin County commissioners shall act in accordance with section 725, subsection 9.

See title page for effective date.

CHAPTER 574

H.P. 1338 - L.D. 1801

An Act to Revise Certain Fish and Wildlife Laws

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

Whereas, confusion exists as to the application of certain laws administered by the Department of Inland Fisheries and Wildlife; and

Whereas, this confusion poses difficulties for the sporting public and those charged with enforcement of these laws; and

Whereas, it is vitally necessary that this confusion be resolved to prevent any injustice or hardship to the hunters, anglers, trappers and recreational vehicle owners of the State; 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. 12 MRSA §7001, sub-§1-A, ¶¶B, C, E, F and P, as enacted by PL 1985, c. 607, §1, are amended to read:

- B. ~~Silvery~~ Eastern silvery minnow, (*Hybognathus ~~nuchalis~~ regius*);
- C. Golden shiner, (*Notemigonus ~~chrysoleucas~~ crysoleucas*);
- E. ~~Bridled~~ Bridle shiner, (*Notropis bifrenatus*);
- F. Common shiner, (~~Notropis~~ Luxilus *cornutus*);
- P. Pearl dace, (~~Semotilus~~ Margariscus *margarita*);

Sec. 2. 12 MRSA §7001, sub-§1-A, ¶U, as amended by PL 1991, c. 443, §1, is further amended to read:

- U. Creek chubsucker, (*Erimyzon oblongus*); ~~and~~

Sec. 3. 12 MRSA §7001, sub-§1-A, ¶V, as corrected by RR 1991, c. 1, §20, is amended to read:

- V. American eel, (*Anquilla rostrata*); and

Sec. 4. 12 MRSA §7001, sub-§1-A, ¶W is enacted to read:

- W. Blackchin shiner. (*Notropis heterdon*).

Sec. 5. 12 MRSA §7034, sub-§1, as amended by PL 1983, c. 819, Pt. A, §18, is further amended to read:

1. Appointment of deputy. The commissioner shall appoint, to serve at ~~his~~ the commissioner's pleasure, a Deputy Commissioner of Inland Fisheries and Wildlife, who ~~shall~~ must be qualified by training and experience in fisheries and wildlife management and conservation law enforcement. Under the commissioner's direction, the deputy commissioner shall assist ~~him~~ in the administration of the department. The deputy commissioner shall serve as the commissioner if the commissioner is disabled or absent or if the office of the commissioner becomes vacant. The commissioner may appoint an appropriate administrative officer in the department to perform the functions of the commissioner if both the commissioner and deputy commissioner are disabled or absent.

Sec. 6. 12 MRSA §7035, sub-§14 is enacted to read:

14. Sale of advertising in abstracts of fish and wildlife laws. The commissioner may sell advertis-