

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

CHAPTER 647

H.P. 1333 - L.D. 1796

An Act Imposing Real Estate Transfer Tax on Nongovernmental Entities in Transactions Involving Governmental Entities

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, Public Law 1993, chapter 398 inadvertently imposed a tax on transfers and gifts of land to be used for recreation and conservation purposes; 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 §4641-C, sub-§1, as amended by PL 1985, c. 691, §32, is further amended to read:

1. Deeds to government property. Deeds to property transferred to or by the United States, the State of Maine or any of their instrumentalities, agencies or subdivisions. For the purposes of this subsection, only the United States, the State of Maine and their instrumentalities, agencies and subdivisions are exempt from the tax imposed by section 4641-A; except that property transferred to the Department of Transportation for transportation purposes and gifts of land and interests in land to governmental entities and deeds to governmental entities from a bona fide nonprofit land conservation organization are exempt from the tax;

Sec. 2. 36 MRSA §4641-C, sub-§15, ¶C, as enacted by PL 1993, c. 398, §4, is amended to read:

C. From a trustee, nominee or straw party to the beneficial owner; ~~and~~

Sec. 3. 36 MRSA §4641-C, sub-§16, as enacted by PL 1993, c. 398, §4, is amended to read:

16. Certain corporate and partnership deeds. Deeds between a family corporation, partnership or

limited partnership and its stockholders or partners for the purpose of transferring real property in the organization, dissolution or liquidation of the corporation, partnership or limited partnership under the laws of this State, provided that the deeds are given for no actual consideration other than shares, interests or debt securities of the corporation, partnership or limited partnership. For purposes of this subsection a family corporation, partnership or limited partnership is a corporation, partnership or limited partnership in which the majority of the voting stock of the corporation, or of the interests in the partnership or limited partnership is held by and the majority of the stockholders or partners are persons related to each other, including by adoption, as descendants or as spouses of descendants of a common ancestor who was also a transferor of the real property involved, or persons acting in a fiduciary capacity for persons so related; ~~and~~ and

Sec. 4. 36 MRSA §4641-C, sub-§17 is enacted to read:

17. Deeds to charitable conservation organizations. Deeds for gifts of land or interests in land granted to bona fide nonprofit institutions, organizations or charitable trusts under state law or charter, a similar law or charter of any other state or the Federal Government that meet the conservation purposes requirements of Title 33, section 476, subsection 2, paragraph B without actual consideration for the deeds.

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

Effective April 8, 1994.

CHAPTER 648

S.P. 671 - L.D. 1843

An Act to Extend Penalty Sanctions to Employee Health Benefit Plans

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

Sec. 1. 26 MRSA §626-A, as amended by PL 1983, c. 652, §§2 and 3, is further amended to read:

§626-A. Penalties

Whoever violates any of the provisions of sections 621 to 623 or section 626, 628 ~~or~~ 629 ~~shall be~~ or 629-B is subject to a forfeiture of not less than \$100 nor more than \$500 for each violation.

Any employer ~~shall be~~ is liable to the employee or employees for the amount of unpaid wages and health benefits. Upon a judgment being rendered in favor of any employee or employees, in any action brought to recover unpaid wages or health benefits under this subchapter, such judgment ~~shall include~~ includes, in addition to the unpaid wages or health benefits adjudged to be due, a reasonable rate of interest, costs of suit including a reasonable attorney's fee, and an additional amount equal to twice the amount of ~~such~~ unpaid wages as liquidated damages and costs of suit including a reasonable attorney's fee.

The action for unpaid wages or health benefits may be brought by either the affected employee or employees or by the Department of Labor. The Department of Labor is further authorized to supervise the payment of the judgment, collect the judgment on behalf of the employee or employees and collect fines incurred through violation of this subchapter. When the Department of Labor brings an action for unpaid wages or health benefits, this action and an action to collect a civil forfeiture may both be joined in the same proceeding.

See title page for effective date.

CHAPTER 649

S.P. 699 - L.D. 1897

An Act to Make Supplemental Allocations from the Highway Fund, Other Funds and Make Other Necessary Changes for the Proper Operation of State Government 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 will become due and payable on or immediately after July 1, 1994; 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. Allocation. The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 1994 and June 30, 1995 to carry out the purposes of this Part.

	1993-94	1994-95
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Departments and Agencies - Statewide		
Unallocated		\$4,500,000
Provides for the allocation of funds from available surplus to satisfy the requirements of Public Law 1993, chapter 414, Part D, section 9.		
Departments and Agencies - Statewide		
Unallocated		(700,000)
Provides for the deallocation of funds through a departmentwide reduction of costs. The Commissioner of Transportation, the Commissioner of Public Safety and the Secretary of State in conjunction with the Commissioner of Administrative and Financial Services agree to mutually cooperate in the preparation of a fair and equitable departmental deallocation distribution plan, which must be submitted no later than January 1, 1995 to the joint standing committee of the Legislature having jurisdiction over transportation matters and include recommendations outlining proposed position eliminations and other programmatic deallocations necessary to achieve the deallocation in this section. The deallocations must be adjusted by the Legislature during the First Regular Session of the 117th Legislature based upon the plan submitted.		