

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

Sec. 3. Retroactivity. This Act applies retroactively to January 30, 1995.

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

Effective March 7, 1995.

CHAPTER 8

H.P. 632 - L.D. 857

An Act to Postpone the Date by Which Withdrawal from the Tree Growth Tax Laws Must Occur

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

Whereas, the changes in the tree growth tax laws raise several significant and complicated issues; and

Whereas, the joint standing committee of the Legislature having jurisdiction over taxation matters is currently addressing these issues in a thoughtful and comprehensive manner; and

Whereas, unless this legislation is enacted as an emergency measure, the April 1, 1995 deadline for withdrawal from the tree growth tax laws precludes reaching a meaningful and durable solution to the issues raised and may present problems of notice and fairness to certain landowners; 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 §574-B, sub-§1, as amended by PL 1993, c. 576, §1, is further amended to read:

1. Forest management and harvest plan. A forest management and harvest plan has been prepared for the parcel and updated every 10 years. The landowner shall file a sworn statement with the municipal assessor in a municipality or the State Tax Assessor for parcels in the unorganized territory that a management plan has been prepared for the parcel. A landowner with a parcel taxed pursuant to this subchapter on September 30, 1989 has until April 1,

1999 to comply with this requirement and until the plan is prepared or April 1, 1999, whichever is earlier, is subject to the applicability provisions under this section as it existed on April 1, 1982.

A landowner with a parcel taxed pursuant to this subchapter for a property tax year beginning before April 1, ~~1995~~ 1996 when the parcel was less than 100 acres and the sole use of the land was harvesting of trees for personal use shall:

A. By April 1, 1996, file a sworn statement that a revised management plan has been prepared for the parcel of forest land;

B. Apply for classification under the open space laws pursuant to section 1106-A; or

C. Notwithstanding section 581, withdraw from tree growth classification pursuant to this paragraph for the ~~1995~~ 1996 tax year.

For withdrawal from tree growth classification under this paragraph, the entire parcel subject to that classification in 1993 must be withdrawn from classification for the ~~1995~~ 1996 tax year. Persons electing to withdraw under this paragraph shall notify the assessor before April 1, ~~1995~~ 1996 and pay a penalty equal to the taxes that would have been assessed on the first day of April for the 5 tax years, or any lesser number of tax years starting with the year in which the property was first classified, preceding that withdrawal had the real estate been assessed in each of those years at its fair market value on the date of withdrawal less all taxes paid on that real estate over the preceding 5 years and interest at the legal rate from the date or dates on which those amounts would have been payable. The procedure for withdrawal provided in this paragraph is intended to be an alternative to the procedure in section 581;

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

Effective March 21, 1995.

CHAPTER 9

S.P. 303 - L.D. 842

An Act to Preserve the Solvency of the Unemployment Compensation Fund

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

Whereas, the Unemployment Compensation Fund is a countercyclical program by which the reserves of the fund are built up during periods of low unemployment so that funds will be available for the payment of benefits during periods of high unemployment; and

Whereas, the reserves in the fund are relatively low and there exists a long-term solvency issue with the fund; and

Whereas, the years ahead are a period during which fund reserves should be accumulated; 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. 26 MRSA §1043, sub-§3-A, as amended by PL 1993, c. 22, §1, is further amended to read:

3-A. Alternate base period. For benefit years effective on or after September 27, 1992 ~~and prior to March 26, 1995~~, for any individual who fails to meet the eligibility requirements of section 1192, subsection 5, in the base period as defined in subsection 3, the Department of Labor shall make a redetermination of eligibility based on a base period that consists of the last 4 completed calendar quarters immediately preceding the first day of the individual's benefit year. This base period is known as the "alternate base period." If wage information for the most recent quarter of the alternate base period is not available to the department from regular quarterly reports of wage information that is systematically accessible, the department shall gather the necessary data in accordance with rules established for this purpose.

If the department receives information from the employer that causes a revised monetary determination under this subsection, benefits received prior to that revision may not constitute an overpayment of benefits provided the claimant did not knowingly misrepresent information requested by the department.

Wages that fall within the base period of claims established under this subsection are not available for reuse in qualifying for any subsequent benefit years under section 1192.

In the case of a combined-wage claim pursuant to the arrangement approved by the United States Secretary of Labor in accordance with section 1082, subsection 12, the base period is that base period applicable under

the unemployment compensation law of the paying state.

Sec. 2. 26 MRSA §1191, sub-§2, as amended by PL 1993, c. 528, §1, is further amended to read:

2. Weekly benefit amount for total unemployment. Each eligible individual establishing a benefit year on ~~and~~ or after October 1, 1983, who is totally unemployed in any week must be paid with respect to that week, benefits equal to 1/22 of the wages, rounded to the nearest lower full dollar amount, paid to that individual in the high quarter of the base period, but not less than \$12. The maximum weekly benefit amount for claimants requesting insured status determination beginning October 1, 1983, and thereafter from June 1st of a calendar year to May 31st of the next calendar year may not exceed 52% of the annual average weekly wage, rounded to the nearest lower full dollar amount, paid in the calendar year preceding June 1st of that calendar year. No increase in the maximum weekly benefit amount may occur for the period from June 1, 1992 to October 28, 1995. For the period from October 29, 1995 to May 31, 1997, the maximum weekly benefit amount is limited to 94% of the amount calculated previously in this subsection, rounded to the nearest lower full dollar amount. For claimants requesting insured status determination on or after April 1, 1993 and before January 1, 1995, the weekly benefit amount must be the amount determined by this subsection minus \$6. For claimants requesting insured status determination on or after April 1, 1995 and before January 1, 1998, the weekly benefit amount must be the amount determined by this subsection minus \$3.

Sec. 3. 26 MRSA §1196, sub-§3, as amended by PL 1993, c. 22, §4, is repealed.

Sec. 4. 26 MRSA §1196, sub-§4, as amended by PL 1993, c. 22, §5, is repealed.

Sec. 5. 26 MRSA §1221, sub-§2, ¶C, as enacted by PL 1993, c. 22, §6 and affected by §8, is amended to read:

C. Each employer subject to this chapter, other than those liable for payments in lieu of contributions, shall pay, in addition to the contribution rate as prescribed in subsection 4, 7/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1993 ~~and~~ 8/10 of 1% of the wages paid by the employer with respect to employment during the calendar year 1994 ~~and~~ 4/10 of 1% of the wages paid by the employer with respect to employment during calendar years 1995, 1996 and 1997.

Sec. 6. Retroactivity. The section of this Act that amends the Maine Revised Statutes, Title 26,

section 1221, subsection 2, paragraph C applies retroactively to January 1, 1995.

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

Effective March 24, 1995.

CHAPTER 10

S.P. 20 - L.D. 51

An Act to Amend the Laws Pertaining to Renewal of Liquor Licenses by Restaurants

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

Sec. 1. 28-A MRSA §653, sub-§1, as amended by PL 1993, c. 730, §27, is further amended to read:

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, shall hold a public hearing for the consideration of applications for new on-premise licenses and applications for transfer of location of existing on-premise licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's pre-paid expense, stating the name and place of hearing, to appear on at least 6 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or on 2 consecutive weeks before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

See title page for effective date.

CHAPTER 11

H.P. 235 - L.D. 315

An Act to Allow Disclosure of Residential Natural Gas Costs

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

Sec. 1. 14 MRSA §6046 is enacted to read:

§6046. Disclosure of natural gas pipeline utility costs

Upon request, a natural gas pipeline utility, as defined in Title 35-A, section 102, shall provide free of charge to current or prospective customers, tenants or property owners residential natural gas energy consumption and cost information for a dwelling unit for the prior 12-month period or figures reflecting the highest and lowest natural gas energy consumption and cost for the previous 12 months. If a unit has been occupied for a period of less than 12 months, the natural gas pipeline utility shall estimate the unit's annual consumption and cost. Provision of this information is neither a breach of customer confidentiality nor a guarantee or contract by the utility as to future consumption levels for that unit. For purposes of this section, "dwelling unit" includes mobile homes, apartments, buildings or other structures used for human habitation.

See title page for effective date.

CHAPTER 12

H.P. 22 - L.D. 16

An Act to Exempt Adaptive Equipment Installed in Motor Vehicles Operated by Wheelchair Users from the Motor Vehicle Excise Tax

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

Sec. 1. 36 MRSA §1483, sub-§13 is amended to read:

13. Certain buses. Buses used for the transportation of passengers for hire in interstate or intrastate commerce, or both, by carriers granted certificates of public convenience and necessity, or permits, by the Maine Public Utilities Commission, provided such buses may be subject to the excise tax provided in