

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

(2) Vehicles and camp trailers as defined in section 1481 not subject to an excise tax.

Sec. 2. Application. This Act applies to property tax years beginning on or after April 1, 1997.

See title page for effective date.

CHAPTER 477

H.P. 486 - L.D. 667

An Act to Permit the Equitable Taxation of Leased Equipment

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

Sec. 1. 36 MRSA §1752, sub-§18-A, as amended by PL 1985, c. 819, Pt. C, §§6 and 7, is further amended to read:

18-A. Telephone or telegraph service. "Telephone or telegraph service" means all telecommunications or telegraph service, including installation or use of telecommunication or telegraphic equipment, but not including telecommunications or telegraph service originating or terminating outside this State. "Telecommunications and telegraphic equipment" means any 2-way interactive communications device, system or process for transmitting or receiving electromagnetic signals and capable of exchanging audio, data base or textual information. Until January 1, 1988, telecommunications service includes access services provided by a local exchange carrier to an interstate or intrastate interexchange carrier. Notwithstanding subsection 11, a sale of access services ~~shall be~~ is considered a retail sale. Beginning January 1, 1988, unless extended by the Legislature, telecommunications service ~~shall~~ does not include those access services. "Telephone or telegraph service" does not include directory advertising service. This subsection applies to leases entered into prior to October 1, 1996.

Sec. 2. 36 MRSA §1752, sub-§18-B is enacted to read:

18-B. Telephone or telegraph service. "Telephone or telegraph service" means all telecommunications or telegraph service, including installation of telecommunication or telegraphic equipment, but not including telecommunications or telegraph service originating or terminating outside this State. "Telecommunications and telegraph equipment" means any 2-way interactive communications device, system or process for transmitting or receiving electromagnetic signals and capable of exchanging audio, data base or textual information. "Telecommunications and telegraph equipment" does not

include computers, except those components of a computer used primarily and directly as a 2-way interactive communications device capable of exchanging audio, data base or textual information. Notwithstanding subsection 11, a sale of access services is considered a retail sale. Beginning January 1, 1988, unless extended by the Legislature, "telecommunications service" does not include those access services. "Telephone or telegraph service" does not include directory advertising service. This subsection applies to leases entered into on or after October 1, 1996.

See title page for effective date.

CHAPTER 478

H.P. 390 - L.D. 525

An Act to Amend the Sales Tax Exemption for Emergency Shelter and Feeding Organizations

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

Sec. 1. 36 MRSA §1760, sub-§47, as enacted by PL 1983, c. 855, §7, is amended to read:

47. Emergency shelter and feeding organizations. ~~Sales of household and sanitary supplies to incorporated nonprofit organizations which that~~ provide free temporary emergency shelter or food for underprivileged individuals in this State-;

Sec. 2. Effective date. This Act takes effect October 1, 1996.

Effective October 1, 1996.

CHAPTER 479

H.P. 479 - L.D. 660

An Act to Amend the Law Governing Real Estate Transfer Taxes Applicable to the Maine Turnpike Authority

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 1993, c. 647, §1, 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 or the Maine Turnpike Authority 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. Application. This Act applies for transfers occurring on or after October 1, 1995.

See title page for effective date.

CHAPTER 480

H.P. 940 - L.D. 1329

An Act Concerning Plastic Holding Devices Used in Packaging

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

Sec. 1. 7 MRSA §18, as amended by PL 1993, c. 743, §§1 and 2, is repealed.

Sec. 2. 7 MRSA §18-A, as amended by PL 1993, c. 743, §3, is repealed.

Sec. 3. 7 MRSA §18-B is enacted to read:

§18-B. Ring holding devices

A person may not sell or offer for sale products in containers connected by a separate holding device constructed of plastic rings with at least one hole larger than 1 3/4 inches in diameter, unless the device decomposes by photodegradation, chemical degradation or biodegradation within a reasonable period of time upon exposure to the elements, in accordance with regulations adopted by the United States Environmental Protection Agency, effective September 1, 1994 and codified at 40 Code of Federal Regulations, Part 238.

Sec. 4. PL 1993, c. 743, §4 is repealed.

See title page for effective date.

CHAPTER 481

S.P. 508 - L.D. 1367

An Act Concerning the Termination of Parental Rights

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

Sec. 1. 22 MRSA §4002, sub-§1-A, ¶¶A and B, as enacted by PL 1983, c. 184, §1, are amended to read:

A. Failure, for a period of at least ~~one year~~ 6 months, to communicate meaningfully with the child;

B. Failure, for a period of at least ~~one year~~ 6 months, to maintain regular visitation with the child;

Sec. 2. 22 MRSA §4035, sub-§4, as enacted by PL 1991, c. 176, §2, is amended to read:

4. Final protection order. The court shall issue a final protection order within 18 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period.

Notwithstanding any other provision of this subsection, if the court makes a finding pursuant to section 4055, subsection 1-A, then the court shall issue a final protection order within 12 months of the filing of the child protection petition unless good cause is shown why the order should not be issued within that time period. Good cause does not include a scheduling problem.

Sec. 3. 22 MRSA §4055, sub-§1-A, ¶¶A and B, as enacted by PL 1985, c. 739, §16, are amended to read:

A. The parent has acted toward a child in a manner ~~which that~~ is heinous or abhorrent to society or has failed to protect a child in a manner ~~which that~~ is heinous or abhorrent to society, without regard to the intent of the parent; or

B. The victim of any of the following crimes was a child for whom the parent was responsible or the victim was a child who was a member of a household lived in or frequented by the parent and the parent has been convicted of:

- (1) Murder;
- (2) Felony murder;
- (3) Manslaughter;
- (4) Aiding or soliciting suicide;
- (5) Aggravated assault;
- (6) Rape;
- (7) Gross sexual misconduct or gross sexual assault;