

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
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THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

It ~~shall be~~ is the obligation of the owner or owners to report to the assessor any change of use or change of classification of land subject to taxation hereunder by the end of the tax year in which the change occurs and to file ~~annually~~ by April 1st of every 5th year with the assessor a determination of the gross income realized each of the previous year 5 years from acreage classified as "farmland."

If the owner or owners fail to report to the assessor as required by the foregoing paragraph, the assessor ~~may collect such~~ shall assess those taxes as that should have been paid, shall ~~collect~~ assess the penalty provided in section 1112 and shall assess an additional penalty of 25% of the foregoing penalty amount. The assessor may waive the additional penalty for cause.

Sec. 2. 36 MRSA §1112, 2nd ¶, as amended by PL 1989, c. 555, §19, is further amended to read:

For land classified as farmland under this subchapter for less than 5 full years, the penalty ~~shall be~~ is equal to ~~40%~~ the greater of 20% of its assessed fair market value at the time the land is removed from the program or the amount necessary to meet the requirements of the Constitution of Maine, Article IX, Section 8. For land that has been classified as farmland under this subchapter for ~~more than 5 full years but less than 10 full years, the penalty shall be full recapture of the taxes that would have been paid on the land for all the years it was in the program, less all taxes that were paid during those years and interest at the rate set by the town during those years on delinquent taxes.~~ For land that has been classified as farmland under this subchapter for ~~more than 10 full years or more,~~ the penalty ~~shall be~~ is the recapture of the taxes that would have been paid on the land for the past 5 years if it had not been classified under this subchapter, less all taxes that were actually paid during those 5 years and interest at the rate set by the town during those 5 years on delinquent taxes. An owner of farmland that has been classified under this subchapter for 5 full years or more may pay any penalty owed under this paragraph in up to 5 equal annual installments with interest at the rate set by the town to begin 60 days after the date of assessment. Notwithstanding section 943, for an owner paying a penalty under this procedure, the period during which the tax lien mortgage, including interest and costs, must be paid to avoid foreclosure, and expiration of the right of redemption is 48 months from the date of the filing of the tax lien certificate instead of 18 months.

See title page for effective date.



CHAPTER 604

S.P. 723 - L.D. 1825

An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage

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

Whereas, current law permits the recipient of a reduced retirement benefit who has named a spouse as beneficiary and who is divorced to change the beneficiary to someone else only if the divorce occurs after retirement; and

Whereas, that law may be contrary to the wishes of recipients of reduced retirement benefits who are divorced before retirement but do not remarry and try to change their beneficiary until after retirement; and

Whereas, it is immediately necessary to amend the law so that such changes may be made in the named beneficiary; 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. 5 MRSA §17805-A, as enacted by PL 1991, c. 320, §1, is amended by repealing and replacing the headnote to read:

§17805-A. Divorce

Sec. 2. 5 MRSA §17805-A, first ¶, as enacted by PL 1991, c. 320, §1, is amended to read:

If the recipient of a reduced service retirement benefit under section 17804, subsection 3, 4 or 5 is granted a divorce either after retirement or before a retirement beneficiary is named the following provisions apply.

Sec. 3. 5 MRSA §17805-A, sub-§1, ¶¶A and B, as enacted by PL 1991, c. 320, §1, are amended to read:

A. The ~~original~~ original spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 17804, subsection 3, 4 or 5; and

B. The recipient and the ~~original~~ spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the ~~original~~ spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

Sec. 4. 5 MRSA §18405-A, as enacted by PL 1991, c. 320, §2, is amended by repealing and replacing the headnote to read:

§18405-A. Divorce

Sec. 5. 5 MRSA §18405-A, first ¶, as enacted by PL 1991, c. 320, §2, is amended to read:

If the recipient of a reduced service retirement benefit under section 18404, subsection 3, 4 or 5 is granted a divorce either after retirement or before a retirement beneficiary is named, the following provisions apply.

Sec. 6. 5 MRSA §18405-A, sub-§1, ¶¶A and B, as enacted by PL 1991, c. 320, §2, are amended to read:

A. The ~~original~~ spouse or former spouse who was originally named as retirement beneficiary must have been the sole beneficiary of the reduced retirement benefit under section 18404, subsection 3, 4 or 5; and

B. The recipient and the ~~original~~ spouse or former spouse who was originally named retirement beneficiary must agree to the change of beneficiary. Prior to this agreement, the executive director shall ensure that the ~~original~~ spouse or former spouse who was originally named as retirement beneficiary has been counseled by an employee of the retirement system regarding the financial effect of giving up rights as a beneficiary and has signed a statement that the information has been received and understood.

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

Effective April 2, 1996.

CHAPTER 605

H.P. 1299 - L.D. 1782

An Act to Create the Motor Carrier Training Advisory Board

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

Sec. 1. 5 MRSA §12004-I, sub-§80-A is enacted to read:

<u>80-A.</u>	<u>Motor</u>	<u>Not</u>	<u>29-A</u>
<u>Transport-</u>	<u>Carrier</u>	<u>Autho-</u>	<u>MRSA</u>
<u>ation: Motor</u>	<u>Training</u>	<u>rized</u>	<u>§1356</u>
<u>Carriers</u>	<u>Advisory</u>		
	<u>Board</u>		

Sec. 2. 29-A MRSA §1354, sub-§6, ¶A, as enacted by PL 1995, c. 505, §15 and affected by §22, is amended to read:

A. The Secretary of State shall establish the Technical Review Panel that includes representatives from the Department of Education, the Department of Public Safety, the American Automobile Association, the Maine Highway Safety Commission, law enforcement agencies, the insurance industry, the motor carrier industry and a driver education teacher and instructor. The Technical Review Panel shall assist the Secretary of State in developing curriculum and teacher and instructor training and certification.

Sec. 3. 29-A MRSA §1356 is enacted to read:

§1356. Motor Carrier Training Advisory Board

The Motor Carrier Training Advisory Board, as established by Title 5, section 12004-I, subsection 80-A, is created as an advisory board within the Department of the Secretary of State.

1. Membership. The board consists of 11 members appointed to serve 3-year terms as follows:

A. Three members representing the trucking industry, appointed by the Secretary of State;

B. One member who owns 3 or fewer commercial motor vehicles and operates a commercial motor vehicle for a livelihood, appointed by the Secretary of State;

C. One member representing the applied technology centers and applied technology regions, appointed by the Commissioner of Education;

D. One member appointed by the President of the Maine Technical College System;