

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
January 3, 1996 to April 4, 1996

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

year-end and located in the State is to be reported as a Maine asset by the possessor taxable entity.

Sec. 37. 36 MRS §5206-B, sub-§4, as repealed and replaced by PL 1985, c. 783, §35, is amended to read:

4. Taxable entity. "Taxable entity" means any financial institution, including any federally chartered financial institution authorized to do business in this State, except a credit union, ~~and~~; any service corporation or subsidiary as defined in Title 9-B, section 131 ~~and~~; any financial institution holding company as defined in Title 9-B, section 1011, except that "control," as defined in Title 9-B, section 1011, ~~shall mean subsection 4, means~~ ownership of more than 50% of the voting stock owned directly or indirectly, ~~which that~~ is organized under the laws of this State or authorized to do business in this State, ~~which, or any financial institution for which Maine is not the home state and that operates a branch in this State and is authorized to do the business of banking in this State pursuant to Title 9-B, section 131, subsection 17-A, that~~ at any time during the taxable year realized Maine net income or had Maine assets.

Sec. 38. Nonseverability. Notwithstanding the provisions of the Maine Revised Statutes, Title 1, section 71, if the reciprocity provision for the establishment of branches by out-of-state financial institutions in Title 9-B, section 373, subsection 1 is declared invalid or determined to be unenforceable for any reason by a final order of any state or federal court of competent jurisdiction and that order has the effect of permitting out-of-state financial institutions to establish branches in this State on any basis other than expressly provided in Title 9-B, section 373, subsection 1, then the reciprocity provision for the establishment of branches by out-of-state financial institutions of section 373, subsection 1 is invalid and unenforceable and has no force or effect whatever. Any transaction establishing a branch in this State pursuant to section 373, subsection 1 and consummated prior to a determination of invalidity is unaffected by that determination and remains valid.

Sec. 39. Application. The sections of this Act that amend the Maine Revised Statutes, Title 36, section 5206-B, subsections 2 and 4 apply to tax years beginning on or after January 1, 1997.

See title page for effective date.

CHAPTER 629

H.P. 1366 - L.D. 1875

An Act Regarding the Food Stamp and Low-Income Home Energy Assistance Program

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

Whereas, the link between the food stamp program standard utility allowance and the Low-Income Home Energy Assistance Program is under consideration by the Federal Government and may cease to exist; and

Whereas, that link has provided additional assistance to approximately 7,000 Maine households in the amount of \$6,300,000 per year; and

Whereas, the Department of Human Services must be alerted to the risk to Maine households that would be caused by severing that link and must endeavor to secure higher benefit levels for those households; 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. 22 MRS §3108 is enacted to read:

§3108. Standard utility allowance

When the department becomes aware of any decisions made by a public entity or an entity operating a publicly subsidized assistance program that adversely impacts eligibility for, or the amount of assistance to, households receiving assistance under the food stamp program pursuant to section 3104, the department shall work in cooperation with that entity to achieve a resolution that minimizes the adverse impact on households receiving food stamp assistance.

1. Examination of options. When federal law governing either the food stamp program or the Low-Income Home Energy Assistance Program is amended to eliminate the eligibility link whereby the food stamp standard utility allowance is automatically available to households receiving low-income home energy assistance benefits, the department shall immediately:

A. Examine and, if feasible, seek a waiver or grant of demonstration authority from the federal Department of Agriculture to continue to use the food stamp standard utility allowance in determining the amount of food stamp benefits available to households that previously qualified for that allowance solely by reason of receipt of low-income home energy assistance benefits;

B. Determine, in cooperation with all appropriate entities operating publicly subsidized housing programs, a method of providing individualized bills or appropriate documentation for tenants in subsidized housing that would identify the tenants' shares of incurred heating costs, if doing so would qualify these tenants for the food stamp standard utility allowance;

C. Determine if federal law would permit the use of the standard utility allowance by households that previously qualified for that allowance solely on the basis of receipt of low-income home energy assistance benefits and implement that section of law if doing so would not result in any increase in the households' rent and energy costs or any reduction in food stamp allotments to either those households or any other households receiving food stamp assistance; and

D. If none of the alternatives listed in paragraphs A to C result in making the food stamp standard utility allowance available to households that had received it before the change in federal law, immediately estimate the General Fund cost of providing allotments to affected households in an amount equal to the amount they would have received had the federal law not been amended, and promptly provide that information to the joint standing committee of the Legislature having jurisdiction over human resources matters.

2. Notice. The department shall provide prompt written notice to households affected by any change in federal law related to the eligibility link between the food stamp program and the Low-Income Energy Assistance Program, or by any waiver received pursuant to this section, of the steps that households may take to gain eligibility for the food stamp standard utility allowance.

3. Waiver. The department shall immediately seek a waiver or demonstration authority to operate a demonstration project from the federal Department of Agriculture that would make the food stamp standard utility allowance available to households that incur a heating or cooling cost separate from their rent or mortgage, even if those bills are not based on actual usage as determined by individualized metering.

4. Revised waiver application. When federal approval for the waiver or demonstration authority described in this section is not granted, the department may submit a revised waiver request to accomplish the objectives of this section as fully as possible.

5. Limitation. This section must be implemented within the limits of the department's existing General Fund resources.

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

Effective April 8, 1996.

CHAPTER 630

S.P. 249 - L.D. 646

An Act to Create a Process for Identifying New Owners for Dams or Releasing Current Owners from Water Level Maintenance Obligations

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. 14 MRSA §8104-A, sub-§2, ¶A, as enacted by PL 1987, c. 740, §4, is amended to read:

A. The construction, ownership, maintenance or use of:

- (1) Unimproved land;
- (2) Historic sites, including, but not limited to, memorials, as defined in Title 12, section 601, subsection 1; ~~or~~
- (3) Land, buildings, structures, facilities or equipment designed for use primarily by the public in connection with public outdoor recreation; or
- (4) Dams;

Sec. 2. 38 MRSA §840, sub-§1, as amended by PL 1993, c. 370, §§9 and 10, is further amended to read: