

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

Department of the Secretary of State.

PART E

Sec. E-1. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

1996-97

**SECRETARY OF STATE,
DEPARTMENT OF THE**

Administration - Motor Vehicles

All Other \$7,662

Allocates funds to cover the costs of producing the official state nondriver identification card.

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

Effective April 10, 1996, unless otherwise indicated.

CHAPTER 646

H.P. 1249 - L.D. 1711

**An Act to Ensure Proper
Withholding of State Income Tax**

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

Sec. 1. 36 MRSA §5250, sub-§2, as amended by PL 1989, c. 495, §4 and affected by c. 596, Pt. J, §7, is further amended to read:

2. Withholding exemptions. For purposes of this section:

A. An employee ~~shall be~~ is entitled to the same number of withholding exemptions as the number of withholding exemptions to which ~~he~~ the employee is entitled for federal income tax withholding purposes. An employer ~~may~~ shall rely upon the number of federal withholding exemptions claimed by the employee, except ~~where the employee claims a different number of withholding exemptions in this State as specified in paragraph C;~~

B. The amount of each exemption in this State ~~shall~~ must be the same as that determined in sec-

tion 5126 whether the individual is a resident or a nonresident-; and

C. If the employee claims a number of withholding exemptions in this State that is greater than the number of exemptions claimed for federal income tax withholding purposes, the employee shall provide the employer with a valid withholding exemption variance certificate as specified in subsection 4. If the employee fails to provide the variance certificate, the employer shall rely upon the number of federal withholding exemptions claimed by the employee.

Sec. 2. 36 MRSA §5250, sub-§4 is enacted to read:

4. Withholding exemption variance certificate. An employee who claims a number of state withholding exemptions greater than that claimed for federal income tax withholding purposes shall obtain from the State Tax Assessor a withholding exemption variance certificate. The certificate is valid until December 31st of the year issued or until the circumstances leading to its issuance change so that the individual would no longer qualify for the variance certificate, whichever occurs first. It is the individual's responsibility to promptly report any material change in circumstances relevant to the information provided to the State Tax Assessor in obtaining the certificate. The employee must certify to the State Tax Assessor, in a form prescribed by the State Tax Assessor, information that includes, but is not limited to, the following:

A. That the employee has not incurred any liability for income tax imposed under this Title for the current tax year; and

B. That the employee does not anticipate incurring any liability for income tax imposed under this Title for the current tax year.

The State Tax Assessor shall issue a withholding exemption variance certificate to an employee who meets the requirements of this subsection.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1996-97

**ADMINISTRATIVE AND
FINANCIAL SERVICES,
DEPARTMENT OF**

Bureau of Taxation

Positions - Legislative Count (1.0)
Personal Services \$31,806

All Other	6,760
Capital Expenditures	49,952
TOTAL	\$43,518

Provides funds for one Revenue Agent position and associated administrative costs to inform nonresident taxpayers and enforce the required withholding amounts.

See title page for effective date.

CHAPTER 647

H.P. 1312 - L.D. 1796

An Act to Facilitate the Lawful Detention of Juveniles

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

Whereas, there is an extreme shortage of juvenile detention beds and immediate relief is needed; and

Whereas, the full benefit of the proposed exceptions will be realized in the winter season; 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. 15 MRSA §3203-A, sub-§7, ¶B-1, as amended by PL 1995, c. 155, §1, is further amended to read:

B-1. After December 31, 1991 and until the Northern Maine Regional Juvenile Detention Facility begins operating, if the juvenile caseworker determines there is no acceptable alternative, a juvenile may be detained for up to 24 hours, excluding ~~Saturday Saturdays, Sunday Sundays~~ and legal holidays, in a jail or other secure detention facility intended or primarily used for the detention of adults, if:

(1) The facility is not located in a standard metropolitan statistical area and meets the statutory criteria outlined in the federal Ju-

venile Justice Delinquency Act, Section 223(a)(14)(A), (B) and (C);

(2) The facility complies with mandatory sight and sound separation standards established by the Department of Corrections in accordance with Title 34-A, section 1208;

(3) The facility has adequate certified correctional staff to monitor and supervise the juvenile at all times during detention; and

(4) The juvenile is detained only to await a court hearing, a preliminary hearing pursuant to Title 17-A, section 1205, an entrustment violation hearing or transfer to another detention facility.

If the requirements of this paragraph are otherwise met and if a condition that threatens safety exists, such as severely adverse, life-threatening weather conditions that do not allow for reasonably safe travel, a juvenile may be further detained in a jail or other secure detention facility intended or primarily used for the detention of adults for up to 24 hours after the time that conditions allow for reasonably safe travel.

Sec. 2. 15 MRSA §3203-A, sub-§7, ¶B-2, as amended by PL 1995, c. 155, §2, is further amended to read:

B-2. Notwithstanding any other provision of law, until the Northern Maine Regional Juvenile Detention Facility begins operating, a juvenile may be detained in a county jail, as long as the juvenile is detained in a separate juvenile section ~~approved by the federal Office of Juvenile Justice and Delinquency Prevention and~~ in compliance with paragraph A.

Sec. 3. 15 MRSA §3314, sub-§2, as amended by PL 1995, c. 502, Pt. F, §6, is further amended to read:

2. Suspended disposition. The court may impose any of the dispositional alternatives provided in subsection 1, and may suspend its disposition and place the juvenile on a specified period of probation that is subject to such provisions of Title 17-A, section 1204, as the court may order and that is administered pursuant to the provisions of Title 34-A, chapter 5, subchapter IV, except that in no case may the court impose the condition set out in Title 17-A, section 1204, subsection 1-A. The court may impose as a condition of probation that a juvenile reside outside the juvenile's home in a setting satisfactory to the juvenile caseworker if the court determines that reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home and that continuation in the