

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

TOTAL APPROPRIATIONS \$51,050

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

Effective April 16, 1998.

CHAPTER 125

H.P. 1475 - L.D. 2074

Resolve, to Reimburse Cable Companies for Expenditures Made while Participating in the Business Equipment Tax Reimbursement Tax Program

Sec. 1. Reimbursement of cable television companies. Resolved: That, notwithstanding the Maine Revised Statutes, Title 36, section 6652, subsection 1-A, cable television companies, as defined by Title 30-A, section 2001, subsection 2, must be reimbursed under Title 36, chapter 915 for the property tax year based on the status of property on April 1, 1996 if the claim was filed in a timely manner and otherwise complied with the requirements of chapter 915 at the time the claim was filed; and be it further

Sec. 2. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Personal Property Tax Reform

All Other \$61,507

Provides funds to reimburse cable companies that qualify for reimbursement pursuant to section 1 of the resolve.

See title page for effective date.

CHAPTER 126

S.P. 800 - L.D. 2157

Resolve, to Allow the Estate of Barbara Maxfield to Sue the State

Sec. 1. Authorization to sue the State. Resolved: That, notwithstanding any law to the contrary, the estate of Barbara Maxfield or its legal representative, on behalf of Allan Maxfield, sole beneficiary, who claims to have suffered damages as a result of the State's failure to intercept a drunken driver who caused the death of Barbara Maxfield at the Maine Turnpike Exit 6-A tollbooth, is authorized to bring a civil action against the State.

This action may be brought in the Cumberland County Superior Court within one year from the date this resolve is approved. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. The action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action.

The Treasurer of State shall pay any judgment, including costs and interest, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$300,000 including costs and interest.

See title page for effective date.

CHAPTER 127

H.P. 1478 - L.D. 2077

Resolve, to Establish the Task Force to Increase Primary and Secondary Forest Product Manufacturing

Sec. 1. Task force established. Resolved: That the Task Force to Increase Primary and Secondary Forest Product Manufacturing, referred to in this resolve as the "task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 14 members as follows:

1. The State Tax Assessor;
2. The Director of the State Planning Office;
3. The Commissioner of Economic and Community Development or the commissioner's designee;
4. One representative of a college or university who has expertise in economic development, appointed by the Governor;
5. Two members of the Senate, appointed by the President of the Senate;

- 6. Two members of the House of Representatives, appointed by the Speaker of the House;
- 7. One representative of the Finance Authority of Maine, appointed by the Governor;
- 8. Two representatives of primary forest products manufacturing, appointed by the Governor;
- 9. Two representatives of secondary forest products manufacturing, appointed by the Governor; and
- 10. One person representing the Maine Congressional Delegation, appointed jointly by the members of the delegation.

The task force members serve terms that expire April 1, 1999 or when their task is completed, whichever occurs first. Vacancies must be filled in the same manner as the original appointments were made; and be it further

Sec. 3. Convening of task force. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by the appointing authorities once the selections have been made. The Executive Director of the Legislative Council shall convene the first meeting of the task force no later than 60 days after the effective date of this resolve. The task force shall select a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the task force shall hold 4 public meetings. The public meetings must be held in 4 of the following counties: in Aroostook, Washington, Piscataquis, Somerset, Franklin and Penobscot. The task force shall:

- 1. Identify and examine tax credits and incentives, including, but not limited to, grants, loan guarantees, tax expenditures and industrial or economic development revenue bonds that may succeed in retaining forest products in this State for primary and secondary manufacturing;
- 2. Examine proposals for new credits and incentives and any limitations imposed by existing laws that hinder the use of these credits and incentives by primary and secondary forest product manufacturers;
- 3. Examine the impact of the North American Free Trade Agreement on the forest products industry; and
- 4. Explore any other proposals or strategies that may benefit the State's forest products industry; and be it further

Sec. 5. Staff assistance. Resolved: That the Department of Economic and Community Development shall provide staffing assistance to the task force; and be it further

Sec. 6. Reimbursement. Resolved: That the legislative members of the task force are entitled to the legislative per diem and expenses for each day's attendance at meetings of the task force upon application to the Executive Director of the Legislative Council. All members of the task force who are not state or federal employees are entitled to mileage and other necessary expenses for each day's attendance at meetings of the task force upon application to the Executive Director of the Legislative Council; and be it further

Sec. 7. Report. Resolved: That the task force shall submit its report to the First Regular Session of the 119th Legislature, the joint standing committee of the Legislature having jurisdiction over taxation matters, the joint standing committee of the Legislature having jurisdiction over economic and community development matters and the Executive Director of the Legislative Council no later than January 1, 1999. If the task force requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 8. Transfer of funds. Resolved: That, notwithstanding the Maine Revised Statutes, Title 5, section 1585, the Department of Administrative and Financial Services shall transfer \$1,000 from the Bureau of Revenue Services to the Legislature toward the cost of the per diem and expenses of legislative members; and be it further

Sec. 9. Budget authorization. Resolved: That the expenses of members who are not state or federal employees and public meetings and miscellaneous costs of the task force must be absorbed within the budgeted resources of the Department of Economic and Community Development; and be it further

Sec. 10. Allocation. Resolved: That the following funds are allocated from Other Special Revenue to carry out the purposes of this resolve.

1998-99

LEGISLATURE

Task Force to Increase Primary and Secondary Forest Product Manufacturing

Personal Services	\$880
All Other	120

Provides funds for the per diem and expenses of legislative members of the Task Force to Increase Primary and Secondary Forest Product Manufacturing.

**LEGISLATURE
TOTAL**

\$1,000

See title page for effective date.

CHAPTER 128

H.P. 1544 - L.D. 2171

Resolve, to Implement the Interim Recommendations of the Task Force on State and Federal Tax Filing

Sec. 1. Resolve 1997, c. 66, §2, sub-§§4 and 5, amended. Resolved: That Resolve 1997, c. 66, §2, sub-§§4 and 5 are amended to read:

4. Two members of the House of Representatives, one of whom represents the Joint Standing Committee on Taxation, appointed by the Speaker of the House; ~~and~~

5. One member of the Senate, appointed by the President of the Senate; ~~and~~

Sec. 2. Resolve 1997, c. 66, §2, sub-§6, enacted. Resolved: That Resolve 1997, c. 66, §2, sub-§6 is enacted to read:

6. One certified public accountant, appointed by the Governor.

Sec. 3. Resolve 1997, c. 66, §§6 to 8, amended. Resolved: That Resolve 1997, c. 66, §§6 to 8 are amended to read:

Sec. 6. Reimbursement. Resolved: That the members of the task force who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2 and reimbursement for travel and other necessary expenses for attendance at meetings of the task force upon application to the Executive Director of the Legislative Council for those expenses. Members appointed to represent the business community and the member who is a certified public accountant may be reimbursed for expenses. Other members are not entitled to reimbursement of expenses; and be it further

Sec. 7. Report. Resolved: That the task force shall submit its report, which must include a plan to implement a single-form filing and payment system for state and federal taxes for use by small

businesses, together with any necessary implementing legislation, to the ~~Second~~ First Regular Session of the ~~118th~~ 119th Legislature no later than January 1, ~~1998~~ 1999. If the task force requires an extension, it may apply to the Legislative Council, which may grant the extension; and be it further

Sec. 8. Meetings. Resolved: That the task force may meet up to 4 times in 1997 and up to 4 times in 1998; and be it further

Sec. 4. Retroactivity. This resolve applies retroactively to January 1, 1998.

Sec. 5. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

LEGISLATURE

Task Force on State and Federal Tax Filing

Personal Services	\$660
All Other	2,700

Provides funds for the per diem and expenses of legislative members and expenses of other members of the Task Force on State and Federal Tax Filing who are not state employees or representatives of the Internal Revenue Service.

**LEGISLATURE
TOTAL**

\$3,360

See title page for effective date.

CHAPTER 129

H.P. 1534 - L.D. 2161

Resolve, to Extend the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

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

Whereas, this resolve is necessary as an emergency measure to provide funding for the Commission