

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

misconduct, misrepresentation, fraud, incompetence or gross negligence in ~~his~~ professional practice, or has been guilty of any fraud or deceit in obtaining ~~his~~ a license, or aids or abets any person ~~alleged~~ alleged to have been defrauded in the violation of any provisions of this chapter or fails in any material respect to comply with the provisions of this chapter.

Sec. B-74. 32 MRSA §12274, sub-§1, ¶A, as enacted by PL 1987, c. 489, §2, is amended to read:

A. Report its findings to the Attorney General for prosecution in the ~~Administrative District~~ Court for suspension in accordance with Title 4, chapter ~~25~~ 5; or

Sec. B-75. 32 MRSA §13068, sub-§1, as enacted by PL 1987, c. 395, Pt. A, §212, is amended to read:

1. Licensing. After hearing, the commission may affirm, modify or reverse the director's decision to deny an examination, license or renewal license; or, in its discretion, file a complaint in the ~~Administrative District~~ Court pursuant to Title 4, chapter ~~25~~ 5 and Title 5, section 10051, to determine whether a license may be denied.

Sec. B-76. 35-A MRSA §704, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Violation of rules. If the commission finds that a public utility has willfully or recklessly violated any substantive rule promulgated by the commission pursuant to the authority granted in this section, the commission may bring a complaint against the public utility before the ~~Administrative District~~ Court as provided in Title 5, section 10051, subsection 4, except that the jurisdiction in the ~~Administrative District~~ Court ~~shall~~ does not include the issuance, renewal, denial or revocation of a license of a public utility. The ~~Administrative District~~ Court may impose fines in accordance with Title 4, section ~~156~~ 184, subsection 8.

Sec. B-77. Transition provisions.

1. The District Court is the successor in every way to the powers, duties and functions of the former Administrative Court.

2. Any positions authorized and allocated, subject to the personnel laws, to the Administrative Court are transferred to the District Court and may continue to be authorized.

3. All records, property and equipment previously belonging to or allocated for the use of the former Administrative Court become, on the effective

date of this Act, part of the property of the District Court.

Sec. B-78. Maine Revised Statutes amended; revision clause. Wherever in the Maine Revised Statutes the words "Administrative Court" appear or reference is made to those words, they are amended to read and mean "District Court," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. B-79. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative

Personal Services (\$1,000)

Deappropriates funds from savings from stipends that will no longer be paid due to the elimination of one Administrative Court Chief Judge position and one Administrative Court Associate Judge position and the establishment of 2 District Court Judge positions.

Sec. B-80. Effective date. This Part takes effect March 15, 2001.

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

Effective March 9, 2000, unless otherwise indicated.

CHAPTER 548

S.P. 867 - L.D. 2277

An Act to Conform the Maine Tax Laws for 1999 with the United States Internal Revenue Code

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

Whereas, the 90-day period would delay the processing of the 1999 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine income tax law and certain other state taxes; 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. 36 MRSA §111, sub-§1-A, as amended by PL 1999, c. 520, §1 and affected by §5, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1998~~ 1999.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1999.

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

Effective March 14, 2000.

CHAPTER 549

H.P. 1632 - L.D. 2284

An Act to Maintain the Eel and Elver Management Fund and Regulate Permits for Eel Weirs

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

Sec. 1. 12 MRSA §7153, sub-§4, as enacted by PL 1995, c. 536, Pt. B, §2, is amended to read:

4. Disposition of fees. All fees collected under this section accrue to the Eel and Elver Management Fund established in section 6505-D, except that \$42 accrues to the General Fund for each eel pot or eel weir permit issued under this section. ~~This subsection is repealed on January 1, 2001.~~

Sec. 2. 12 MRSA §7153, sub-§5, as enacted by PL 1995, c. 536, Pt. B, §2, is amended to read:

5. Five-year limited entry; eel weirs. The department may not issue an eel weir permit to a person

unless that person possessed a valid eel weir permit for calendar year 1995. ~~This subsection is repealed on January 1, 2001. The department shall adopt routine technical rules pursuant to Title 5, chapter 375, subchapter II-A regarding the issuance of eel weir permits. The number of weirs and the number of square miles of watersheds in this State fished by eel weirs may not exceed those permitted in calendar year 1995.~~

See title page for effective date.

CHAPTER 550

S.P. 873 - L.D. 2281

An Act to Grant Municipalities Greater Flexibility in their Arrangements for Tax Base Sharing Agreements

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

Sec. 1. 30-A MRSA §5752, sub-§3, as amended by PL 1997, c. 663, §1, is further amended to read:

3. Administration. The shared valuation must be assessed in the municipality in which the property is located. It must be taxed at the rate applicable in that municipality. The tax so assessed must be collected by the municipality in which the property is located and the share of that tax, as specified in the tax base sharing agreement, must be remitted within 15 days after collection or within such other period of time as the parties to the tax base sharing agreement specify to the other municipality or municipalities on the basis of the terms of the agreement to which they are parties. The municipality in which the property is located may be authorized by the tax base sharing agreement to make payments due to the other municipality or municipalities that are parties to the agreement to another party or entity. Payments to another party or entity must be for purposes that have a general public benefit.

See title page for effective date.

CHAPTER 551

H.P. 1795 - L.D. 2518

An Act to Amend the Elderly Low-cost Drug Program

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