

# 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 TWENTIETH LEGISLATURE**  
**FIRST REGULAR SESSION**  
**December 6, 2000 to June 22, 2001**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 21, 2001**

**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**  
**2001**

these violations. Determination of whether a conviction constitutes a prior conviction for purposes of this subsection is pursuant to section 362, subsection 3-A;

C. A Class D crime, if the face value of the negotiable instrument exceeds ~~\$1,000~~ \$500 but does not exceed ~~\$2,000~~ \$1,000; or

D. A Class E crime, if the face value of the negotiable instrument does not exceed ~~\$1,000~~ \$500.

See title page for effective date.

**CHAPTER 390**

**H.P. 723 - L.D. 943**

**An Act to Ensure that the Annual Inflation Adjustment for Partial Compensation for Injuries occurring Prior to November 20, 1987 is Fully Recognized and Paid**

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

**Sec. 1. 39-A MRSA §224** is enacted to read:

**§224. Adjustment to partial incapacity benefit payments for injuries prior to November 20, 1987**

The annual adjustment made pursuant to former Title 39, sections 55 and 55-A must be made as follows. The preinjury average weekly wage must first be adjusted to reflect the annual inflation or deflation factors as computed by the Maine Unemployment Insurance Commission for each year from the date of injury to the date of calculation. Once this weekly benefit amount is calculated, the amount must continue to be adjusted annually so that it continues to bear the same percentage relationship to the average weekly wage in the State as computed by the Maine Unemployment Insurance Commission as it did at the time of the injury. This section clarifies the method of calculating the annual adjustment to benefits under former Title 39, sections 55 and 55-A and applies to all benefit calculations pursuant to those sections.

**Sec. 2. Application; retroactivity.** This Act applies retroactively to benefit calculations made under the Maine Revised Statutes, former Title 39, sections 55 and 55-A at any time after January 1, 1972, and applies notwithstanding any adverse order or decree.

See title page for effective date.

**CHAPTER 391**

**S.P. 628 - L.D. 1811**

**An Act to Permit the Salvage of Pulpwood**

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

**Whereas,** it is necessary that this legislation take effect before the 90-day period so that salvage activities may begin immediately; 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. 12 MRSA §1867, sub-§1, ¶A-1** is enacted to read:

A-1. "Pulpwood" means a portion of a tree intended for use in the paper-making process.

**Sec. 2. 12 MRSA §1867, sub-§1, ¶B,** as enacted by PL 1997, c. 678, §13, is amended to read:

B. "Salvage" means any activity involved in the retrieval of sunken logs or pulpwood from submerged land.

**Sec. 3. 12 MRSA §1867, sub-§6** is enacted to read:

**6. Pulpwood salvage exemption.** A person who has been granted a charter or other specific authorization by the Legislature prior to June 30, 1998 to erect and maintain piers and booms to collect and store pulpwood in waters over submerged lands may salvage the pulpwood stored in compliance with that charter and is exempt from subsections 3, 4 and 5 of this section, as long as, prior to conducting a pulpwood salvage operation, that person:

A. Provides documentation satisfactory to the bureau of the legislative charter or approval specifically authorizing pulpwood storage at the proposed salvage site;

B. Attests that the salvaged pulpwood is to be processed at a mill owned by that person;

C. Obtains all applicable permits required by local, state and federal agencies having jurisdiction over the salvage activity; and

D. Provides a plan acceptable to the bureau that results in substantial improvements or benefits to public trust rights or uses on that or a related body of water.

Pulpwood salvaged under a plan approved and implemented in accordance with the terms of this subsection is the property of the person authorized to collect and store pulpwood at the salvage site. A person who salvages pulpwood under this subsection shall comply with the provisions of the approved plan and with all applicable permitting requirements and other legal requirements pertaining to the salvage activity. Pulpwood salvaged under this section may be processed only at a mill owned by the person authorized to collect and store pulpwood at the salvage site.

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

Effective June 12, 2001.

---



---

## CHAPTER 392

H.P. 1365 - L.D. 1822

### An Act to Amend the Business Equipment Tax Reimbursement Program

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

**Sec. 1.** 36 MRSA §§6661 and 6662 are enacted to read:

**§6661. Certain leased property**

A lessor of eligible property shall pay over to the lessee of that property reimbursement of property taxes received by the lessor under this chapter with respect to that property to the extent that the lessor has been reimbursed for those taxes by the lessee.

**§6662. Disallowance of reimbursement for certain property**

Reimbursement under this chapter may not be made for property tax payments made with respect to property located at a facility that has permanently ceased all productive operations on April 1st of the year for which the property taxes are assessed and where no productive operations have been conducted for at least 12 months before the date that reimbursement is requested. This section does not apply if the owner of the facility has publicly advertised that the facility is available for sale or lease and has made a good faith effort to market and sell or lease the facility to prospective buyers or lessees.

**Sec. 2. Notification.** The Department of Administrative and Financial Services, Bureau of Revenue Services shall develop information describing the availability of reimbursement for property taxes under the Maine Revised Statutes, Title 36, chapter 915 and the method of applying for that reimbursement. The bureau shall periodically include that information in mailings to businesses and in any materials made generally available to businesses that describe the State's business taxes. The bureau shall make copies of the information available to municipalities for distribution at the local level.

**Sec. 3. Application.** That section of this Act that enacts the Maine Revised Statutes, Title 36, sections 6661 and 6662 applies to property taxes assessed on or after April 1, 2002.

See title page for effective date.

---



---

## CHAPTER 393

S.P. 198 - L.D. 670

### An Act to Strengthen Maine's Worker Advocate Program

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

**Sec. 1.** 39-A MRSA §154, sub-§6, as amended by PL 1999, c. 359, §1, is further amended to read:

**6. Assessment levied.** The assessments levied under this section may not be designed to produce more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year or more than \$6,735,000 beginning in the 1999-00 fiscal year, except that in the 2001-02 fiscal year the assessment may not be designed to produce more than \$7,035,000. Assessments collected that exceed \$6,000,000 beginning in the 1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal year or \$6,735,000 beginning in the 1999-00 fiscal year or \$7,035,000 in fiscal year 2001-02 by a margin of more than 10% must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget. Any collected amounts or savings above the allowed reserve must be used to reduce the assessment for the following fiscal year. The board shall determine the assessments prior to May 1st and shall assess each insurance company or association and self-insured employer its pro rata share for expenditures during the fiscal year beginning July 1st. Each self-insured employer shall pay the assessment on or