

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
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SECOND REGULAR SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2657

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H.P. 1962                      House of Representatives, May 4, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 27.  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative PARADIS of Augusta.  
Cosponsored by Senator BRANNIGAN of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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1                      AN ACT Correcting Additional Errors and  
2                      Inconsistencies in the Laws of Maine.  
3

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

7                      Whereas, Acts of this and previous Legislatures  
8                      have resulted in certain technical errors and  
9                      inconsistencies in the laws of Maine; and

1 matching funds.

2 Sec. 38. PL 1987, c. 816, Pt. A, §1, under the  
3 caption "HUMAN SERVICES, DEPARTMENT OF" in the last  
4 part relating to "Aid to Families with Dependent  
5 Children," is amended to read:

6 Aid to Families with Dependent  
7 Children

8 All Other \$215,000

9 Provides funds for  
10 \$198 maximum monthly  
11 benefit amount  
12 benefits to first  
13 time first-time  
14 pregnant teenagers  
15 women in the last  
16 trimester of pregnancy.

17 Sec. 39. PL 1987, c. 827, §§ 3 and 4 are  
18 repealed.

19 Sec. 40. PL 1987, c. 852, §1 is amended to read:

20 Sec. 1. 36 MRSA §578, sub-§1, as amended by PL  
21 1981, c. 706, §7, is further amended to read:

22 1. Organized areas. The municipal assessors or  
23 chief assessor of a primary assessing area shall  
24 adjust the State Tax Assessor's 100% valuation per  
25 acre for each forest type of their county by whatever  
26 ratio, or percentage of current just value, is then  
27 being applied to other property within the  
28 municipality to obtain the assessed values. Forest  
29 land in the organized areas, subject to taxation under  
30 this subchapter, shall be taxed as the property tax  
31 rate applicable to other property in the municipality,  
32 which rate shall be applied to the assessed values so  
33 determined. For any tax year in which a  
34 municipality has a situation where the aggregate tax  
35 assessed on lands classified under this subchapter is  
36 less than 90% of the aggregate tax assessed on the  
37 same lands in 1972, the municipality shall have a  
38 ~~valid-claim-against-the-State-to-recover-the-taxes-~~

1 lost to the extent that such loss exceeds a 10% loss  
2 from 1972, upon proof of the facts in form  
3 satisfactory-to-the-State-Tax-Assessor.

4 The State Tax Assessor is authorized to make  
5 provisional payment of up to 75% of any municipal  
6 claim found to be in satisfactory form. The payment  
7 shall be made within 90 days after receipt of a  
8 satisfactory claim and shall be presented for final  
9 settlement to the Legislature next convening.

10 In tax years beginning on or after January 1, 1978,  
11 April 1, 1988, the State Tax Assessor shall determine  
12 annually the amount of acreage in each municipality  
13 which is classified and taxed in accordance with this  
14 subchapter. A municipality actually levying and  
15 collecting municipal property taxes and within whose  
16 boundaries this acreage lies shall receive annual  
17 payments from moneys money so appropriated by the  
18 Legislature provided it submits an annual return in  
19 accordance with section 383; and it achieves the  
20 appropriate minimum assessment ratio described in  
21 section 327. For the property tax year based on the  
22 status of property on April 1, 1988, the per acre  
23 reimbursement amount shall increase from 15¢ to 24¢.  
24 For the property tax year based on the status of  
25 property on April 1, 1989, the per acre reimbursement  
26 shall be 65% of the per acre tax revenue lost as a  
27 result of this subchapter. For property tax years  
28 based on the status of property on April 1, 1990, or  
29 thereafter, the per acre reimbursement shall be 90% of  
30 the per acre tax revenue lost as a result of this  
31 subchapter. For purposes of this section, the tax  
32 lost is the tax that would have been assessed, but for  
33 this subchapter, on the classified forest lands if  
34 they were assessed according to the undeveloped  
35 acreage valuations used in the state valuation then in  
36 effect, or according to the current local valuation on  
37 undeveloped acreage, whichever is less, minus the tax  
38 that was actually assessed on the same lands in  
39 accordance with this subchapter.

40 For the tax years beginning on or after January 1,  
41 1978, a municipality's annual payment shall be the  
42 greater of either an amount computed as provided in  
43 the-previous-paragraph-or-the-product-of-multiplying-

1 the number of acres in the municipality which are  
2 classified and taxed in accordance with this  
3 subchapter-by-15¢.

4 For those municipalities where the annual payment  
5 amount is determined by the product of multiplying the  
6 number of acres which are classified and taxed in  
7 accordance with this subchapter by 15¢ the Treasurer  
8 of State shall pay to the municipality by December  
9 15th of that year the amount certified by the State  
10 Tax-Assessor.

11 No municipality may receive a reimbursement payment  
12 under this section which would exceed an amount  
13 determined by calculating the tree growth tax loss  
14 less the municipal savings in educational costs  
15 attributable to reduced state valuation.

16 A. The tree growth tax loss is the adjusted tax  
17 that would have been assessed, but for this  
18 subchapter, on the classified forest lands if they  
19 were assessed according to the undeveloped acreage  
20 valuations used in the state valuation then in  
21 effect minus the tax that was actually assessed on  
22 the same lands in accordance with this subchapter.

23 In determining the adjusted tax that would have  
24 been assessed, the tax rate to be used is computed  
25 by adding the additional school support required  
26 by the modified state valuation attributable to  
27 the increased valuation of forest land to the  
28 original tax committed and dividing this sum by  
29 the modified total municipal valuation. The  
30 adjusted tax rate is then applied to the valuation  
31 of forest land based on the undeveloped acreage  
32 valuations, adjusted by the certified ratio, to  
33 determine the adjusted tax.

34 B. The municipal savings in educational costs is  
35 determined by multiplying the school subsidy index  
36 by the change in state valuation attributable to  
37 the use of the valuations determined in accordance  
38 with this subchapter on classified forest lands  
39 rather than their valuation using the undeveloped  
40 acreage valuations used in the state valuation  
41 then in effect.



1 must, by law, have a board of appeals.

2 Section 11 makes the reporting requirements  
3 consistent for wood that is processed in this State  
4 with wood that is transported out of this State.

5 Sections 12 and 13 delete a reference to the Maine  
6 District Court Rules of Civil Procedure, which no  
7 longer exist, and correct an improper direction to the  
8 District Court to impose a fine upon persons who  
9 receive a default judgment for failure to appear in  
10 court. Some civil violations and traffic infractions  
11 are not punishable by a fine, but may be punishable  
12 only by a license suspension or other action. Present  
13 law requires the court to impose a sanction which it  
14 has no authority to impose in some instances. The  
15 bill corrects this situation by simply requiring the  
16 court to impose a "penalty as authorized by law."

17 Section 15 corrects a technical error which  
18 occurred in the printing of the first errors bill of  
19 this legislative session.

20 Section 16 corrects a section reference and  
21 clarifies legislative intent.

22 Section 17 provides a necessary delayed effective  
23 date for section 16.

24 Section 18 corrects a technical error regarding  
25 registration information required from out-of-state  
26 drug manufacturers.

27 Section 19 clarifies the intent of the Senate  
28 amendment to the original bill which exempted  
29 employers with 25 employees at one location.

30 Section 20 provides the appropriate effective date  
31 for section 19.

32 Sections 21 to 23 clarify 3 provisions in the  
33 recently enacted STAR legislation. Section 21 makes  
34 clear that training provided under the Strategic  
35 Training for Accelerated Reemployment Program will be

1 considered approved training for the purpose of  
2 federal or state law related to unemployment  
3 compensation benefits. Section 22 removes repetitive  
4 language in the Maine Revised Statutes, Title 26,  
5 section 2015-A, subsection 5, paragraph A, related to  
6 the commissioner's responsibility to establish  
7 standards for determining good cause. Section 23  
8 repeals contradictory language related to an  
9 individual's right to appeal determinations made under  
10 the Strategic Training for Accelerated Reemployment  
11 Program and establishes a single structure for  
12 administrative appeals of those determinations.

13 Section 24 changes the placement of a clause and  
14 adds a verb omitted from a provision which requires  
15 the issuance of a conditional license only for a  
16 certain period after a driver has been convicted for  
17 operating under the influence.

18 Section 25 provides a necessary delayed effective  
19 date for section 24.

20 Section 26 clarifies a driver's obligation to  
21 submit to a blood-alcohol level test to determine if  
22 he was operating a motor vehicle with a blood-alcohol  
23 level of 0.05% or more while under a conditional  
24 license because of a previous conviction for operating  
25 under the influence.

26 Section 27 provides a necessary delayed effective  
27 date for section 26.

28 Section 28 corrects a statutory cross-reference.

29 Section 29 corrects a statutory cross-reference.

30 Section 30 deletes a provision concerning  
31 sheltered workshops, which was deleted from Public Law  
32 1987, c. 559, Part B, section 26, but was not deleted  
33 from Title 39, section 58-A.

34 Section 31 corrects a reference to the Director of  
35 the Bureau of Labor, replacing it with a reference to  
36 the Commissioner of Labor.

37 Section 32 corrects a statutory cross-reference.

1 Section 33 clarifies that the calculation of the  
2 average weekly wage for seasonal workers is to be  
3 applied only to persons who are injured on or after  
4 July 1, 1989.

5 Section 34 makes a technical correction to an  
6 amending clause.

7 Section 35 provides the appropriate effective date  
8 for section 34.

9 Section 36 reenacts a provision of the Operating  
10 Under the Influence Law which was inadvertently  
11 repealed. The change occurs by reenacting Public Law  
12 1987, chapter 791, section 19, so that the Maine  
13 Revised Statutes, Title 29, section 1312-B, subsection  
14 2, paragraph D-1 is not repealed.

15 Section 37 reduces the appropriation and  
16 allocation based on a revised estimate of additional  
17 costs to hospitals. These revisions were intended to  
18 be made by an amendment inadvertently not introduced  
19 when the bill making these appropriations and  
20 allocations was enacted.

21 These revisions alter the fiscal impact stated in  
22 the fiscal note to Public Law 1987, chapter 811. The  
23 new fiscal note should read:

24 FISCAL NOTE

25 Medicaid's share of the total statewide hospital  
26 costs is 12% of \$300,000 in fiscal year 1988-89.

27 Section 38 makes changes necessary to avoid a  
28 conflict with ASPIRE enabling legislation.

29 Section 39 removes an appropriation and an  
30 allocation already provided for by another law.