

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2162

S.P. 849

In Senate, January 16, 1992

Submitted pursuant to the Maine Revised Statutes, Title 1, section 94.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin  
Cosponsored by Representative PARADIS of Augusta.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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**An Act to Correct Errors and Inconsistencies in the Laws of Maine.**

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(EMERGENCY)

2 of the State Tax Assessor and who is aggrieved as a result of  
3 that action may request in writing, within 30 days after receipt  
4 of notice of such a decision, reconsideration by the State Tax  
5 Assessor of that decision.

6 If a request for reconsideration is filed within the  
7 specified time period, the State Tax Assessor shall reconsider  
8 the decision. If the person requesting reconsideration requests  
9 at the same time, in writing, an informal conference, the State  
10 Tax Assessor shall provide an opportunity for an informal  
11 conference with the person to receive additional information and  
12 to hear argument regarding the protested decision. The State Tax  
13 Assessor shall give the person 10 working days' notice of the  
14 time and place of the conference. The conference may be held with  
15 less than 10 working days' notice if a mutually convenient time  
16 and place can be arranged between the petitioner and the State  
17 Tax Assessor. The reconsideration, with or without an informal  
18 conference, is not an adjudicatory proceeding as defined in  
19 Title 5, section 8002.

20  
21 **Sec. 88. 36 MRSA §581, 7th ¶**, as enacted by PL 1975, c. 726,  
22 **§1**, is amended to read:

23  
24 No penalty shall ~~may~~ be assessed upon the withdrawal of land  
25 from taxation under this subchapter if the owner applies for and  
26 is accepted for classification of that land as farmland or open  
27 space land under subchapter II-B ~~X~~, provided that in the event  
28 that a penalty is later assessed under section 1112, the period  
29 of time that the land was taxed as forest land under this  
30 subchapter ~~shall-be~~ is included for the purposes of establishing  
31 the amount of the penalty.

32  
33 **Sec. 89. 36 MRSA §653, sub-§1, ¶F**, as amended by PL 1989, c.  
34 501, Pt. Z, is further amended to read:

35 F. To be eligible for exemption under this subsection:

36  
37 (3) No exemption may be granted to any person under  
38 this subsection unless the person is a resident of this  
39 State; and

40  
41 (4) Notwithstanding any other provisions of this  
42 paragraph, prior to April 1, 1982, any person claiming  
43 an exemption under paragraph C who is receiving any  
44 form of pension or compensation from the Federal  
45 Government for total disability, service-connected or  
46 nonservice-connected, as a veteran, and any person  
47 claiming an exemption under paragraph C-1, D, D-1, D-2  
48 or D-3 shall is not be required to meet the standards  
49 specified in former subparagraphs (1) and (2). Any such  
50

2 person who received an exemption in 1980 shall is not  
3 be required to reapply in 1981. Exemptions granted  
4 under this section which that are reimbursable pursuant  
5 to section 661 shall are not be considered eligible for  
6 reimbursement under paragraph H. Any person whose  
7 exemption is reimbursable under section 661 shall is,  
8 for 1981, be entitled to an extension until May 1,  
9 1981, for filing a written application and written  
10 proof of entitlement for exemption with the assessors  
11 of the place in which the person resides,  
12 notwithstanding the provisions of paragraph G.

13 **Sec. 90. 36 MRSA §1760, sub-§3, ¶E**, as amended by PL 1991, c.  
14 546, §17 and repealed by c. 591, Pt. WW, §3 and affected by §4,  
15 is repealed.

16 **Sec. 91. 36 MRSA §3223-A**, as enacted by PL 1987, c. 793, Pt.  
17 B, §3, is repealed.

18 **Sec. 92. 36 MRSA §3224**, as enacted by PL 1989, c. 502, Pt. A,  
19 §135, is repealed.

20 **Sec. 93. 36 MRSA §4435**, as enacted by PL 1987, c. 772, §35,  
21 is amended to read:

22 **§4435. Report of conviction**

23 Any district attorney's office which that prosecutes a  
24 dealer for trafficking in or furnishing marijuana or scheduled  
25 drugs, with respect to all or part of those scheduled drugs or  
26 marijuana referred to in ~~subsection 1~~ section 4433, shall report,  
27 upon conviction of the dealer, the conviction to the State Tax  
28 Assessor within 30 days of the conviction. The report shall must  
29 contain such information as may be required by the State Tax  
30 Assessor.

31 **Sec. 94. 36 MRSA §4697**, as amended by PL 1991, c. 376, §60  
32 and c. 446, Pt. B, §7, is repealed and the following enacted in  
33 its place:

34 **§4697. Reports of production and payment of tax**

35 Every packer shall, on or before the last day of each month,  
36 report to the State Tax Assessor the quantity of sardines,  
37 kippers or steaks packed by the packer during the preceding  
38 calendar month, on forms furnished by the State Tax Assessor, and  
39 pay to the State Tax Assessor the tax of 35¢ per case on all  
40 sardines reported as packed and 15¢ per case on all kippers or  
41 steaks reported as packed. If the State Tax Assessor determines  
42 that overpayment of tax has been made, the State Tax Assessor

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## STATEMENT OF FACT

Section 1 provides the correct statutory format for the law.

Section 2 deletes a cross-reference to a repealed section of law.

Section 3 consolidates changes in the Maine Revised Statutes, Title 4, section 1151, subsection 2 that were made in Public Law 1991, chapters 377 and 563.

Section 4 corrects several cross-references and makes technical changes.

Section 5 corrects a cross-reference.

Section 6 consolidates changes in Title 5, section 88-A, subsection 2 that were made in Public Law 1991, chapters 249 and 595.

Section 7 consolidates changes in Title 5, section 4601 that were made in Public Law 1991, chapters 99 and 100.

Section 8 consolidates changes in Title 5, section 88-A, subsection 2 that were made in Public Law 1991, chapters 377 and 563.

Section 9 consolidates changes in Title 5, section 17001, subsection 13, paragraph B that were made in Public Law 1991, chapters 432, 591 and 618.

Section 10 incorporates the changes from Public Law 1991, chapters 480 and 580. Public Law 1991, chapter 480 repealed and replaced all of Title 5, section 17057 to provide for format clarity and to enact new language concerning the confidentiality of group life insurance information in the possession of the retirement system. Public Law 1991, chapter 580 clarified the provision related to the exceptions to the requirement that medical information in the possession of the retirement system be confidential.

Section 11 correctly relocates law enacted in Public Law 1991, chapter 456 that belongs in the Office of Substance Abuse statutes found in Title 5.

Section 12 removes a reference to the Board of Veterinary Medicine within the Department of Agriculture, Food and Rural Resources. The State Board of Veterinary Medicine is now

2 from both Public Law 1991, chapters 186 and 534. This section  
also makes corrections to the format of subsection 1, paragraphs  
A to D.

4 Section 85 corrects clerical errors.

6 Section 86 repeals a headnote that was inadvertently left  
8 after repealing Title 34-B, section 3623, subsection 1.

10 Section 87 corrects a conflict created by Public Law 1989,  
12 chapters 848 and 871 by repealing and replacing Title 36, section  
151, the first and 2nd paragraphs with a new version  
14 incorporating changes made by both public laws. Public Law 1989,  
chapter 848 made technical changes and added that a conference  
16 may be held with less than 10 days' notice if mutually agreed on  
by the petitioner and the State Tax Assessor. Public Law 1989,  
18 chapter 871 made technical changes and added that an informal  
conference may be held if requested in writing.

20 Section 88 corrects a cross-reference to a subchapter that  
was repealed.

22 Section 89 corrects a cross-reference and makes other  
24 technical corrections.

26 Section 90 corrects a conflict created by Public Law 1991,  
28 chapters 546 and 591, which affected the same section of law.

30 Section 91 repeals a provision relative to fuel tax that is  
now found in Title 36, sections 2903 and 3203.

32 Section 92 repeals a provision relating to fuel tax that is  
34 now found in Title 36, sections 2903 and 3203.

36 Section 93 corrects a cross-reference.

38 Section 94 corrects a conflict created by Public Law 1991,  
chapters 376 and 446 by incorporating the changes made in both  
40 public laws.

42 Sections 95 to 98 together with another section in this bill  
that amends Public Law 1991, chapter 591, Part YY, section 8  
44 accomplish the correct future repeal of Title 36, section 5111,  
subsections 1, 2 and 3.

46 Section 99 corrects a reference where a chapter was  
48 incorrectly referred to as a Part.

50 Section 100 corrects a cross-reference where a chapter was  
incorrectly referred to as a subchapter and makes a technical  
change.