

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

copies of this Part necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 674

H.P. 1405 - L.D. 2021

An Act To Continue the Maine Military Family Relief Fund Voluntary Checkoff

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

Sec. 1. 36 MRSA §5288-A is enacted to read:

§5288-A. Maine Military Family Relief Fund voluntary checkoff

1. Maine Military Family Relief Fund. When filing a return, a taxpayer entitled to a refund under this Part may designate that a portion of that refund be paid into the Maine Military Family Relief Fund established in Title 37-B, section 158. A taxpayer who is not entitled to a refund under this Part may contribute to the Maine Military Family Relief Fund by including with that taxpayer's return sufficient funds to make the contribution. The contribution may not be less than \$1. Each individual income tax return form must contain a designation in substantially the following form: "The Maine Military Family Relief Fund: () \$1, () \$5, () \$10, () \$25 or () Other \$..."

2. Contributions credited to Maine Military Family Relief Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost of administering the Maine Military Family Relief Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Military Family Relief Fund.

Sec. 2. Application. This Act applies retroactively to tax years beginning on or after January 1, 2007.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services - Bureau of 0002

Initiative: Provides funds for the administrative costs associated with the Maine Military Family Relief Fund voluntary checkoff.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
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All Other	\$0	\$5,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,000
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ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2007-08	2008-09

OTHER SPECIAL REVENUE FUNDS	\$0	\$5,000
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$5,000
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DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Veterans Services 0110

Initiative: Provides an allocation for grants from the Maine Military Family Relief Fund to eligible families of persons who are members of the Maine National Guard or Maine residents who are members of the Reserves of the Armed Forces of the United States.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
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All Other	\$0	\$38,655
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$38,655
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DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
DEPARTMENT TOTALS	2007-08	2008-09

OTHER SPECIAL REVENUE FUNDS	\$0	\$38,655
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$38,655
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SECTION TOTALS	2007-08	2008-09
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OTHER SPECIAL REVENUE FUNDS	\$0	\$43,655
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SECTION TOTAL - ALL FUNDS	\$0	\$43,655
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See title page for effective date.

CHAPTER 675

H.P. 1483 - L.D. 2097

An Act To Clarify the Exemption of Retail Sales of Kerosene from the Sales Tax

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

Sec. 1. 36 MRSA §1760, sub-§9, as amended by PL 2007, c. 438, §34, is further amended to read:

9. Coal, oil and wood. Coal, oil, wood and all other fuels, except gas and electricity, when bought for cooking and heating in buildings designed and used for both human habitation and sleeping. Kerosene or home heating oil that is prepackaged or dispensed from a tank for retail sale in containers with a capacity of 5 gallons or less is presumed to meet the requirements of this subsection.

Sec. 2. Effective date. This Act takes effect August 1, 2008.

Effective August 1, 2008.

CHAPTER 676

H.P. 1371 - L.D. 1937

An Act Regarding the Maine Regulatory Fairness Board

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

Whereas, members of the Maine Regulatory Fairness Board do not receive any compensation for their service on the board; and

Whereas, current law does not provide for members of that board to receive reimbursement for their actual expenses incurred in connection with their service on the board; and

Whereas, the inability to receive such reimbursement may adversely affect the ability of some board members to continue to serve; 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. 5 MRSA §57, sub-§7 is enacted to read:

7. Compensation. Board members are entitled to compensation for expenses only pursuant to section 12004-I, subsection 2-G.

Sec. 2. 5 MRSA §12004-I, sub-§2-G is enacted to read:

2-G.

<u>Business</u>	<u>Maine</u>	<u>Expenses</u>	<u>5 MRSA</u>
	<u>Regulatory</u>	<u>Only</u>	<u>§57</u>
	<u>Fairness</u>		
	<u>Board</u>		

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Maine Small Business and Entrepreneurship Commission 0675

Initiative: Deappropriates funds to pay for the reimbursement of expenses for members of the Maine Regulatory Fairness Board within the State Planning Office.

GENERAL FUND	2007-08	2008-09
All Other	(\$1,062)	(\$3,187)
GENERAL FUND TOTAL	(\$1,062)	(\$3,187)

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

DEPARTMENT TOTALS	2007-08	2008-09
GENERAL FUND	(\$1,062)	(\$3,187)
DEPARTMENT TOTAL - ALL FUNDS	(\$1,062)	(\$3,187)

EXECUTIVE DEPARTMENT

Planning Office 0082