

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

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.

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

**ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF**

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

**EXECUTIVE DEPARTMENT**

**Planning Office 0082**

Initiative: Provides funds for the reimbursement of expenses for members of the Maine Regulatory Fairness Board.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
All Other	\$1,062	\$3,187
	<hr/>	<hr/>
GENERAL FUND TOTAL	\$1,062	\$3,187
<b>EXECUTIVE DEPARTMENT DEPARTMENT TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
GENERAL FUND	\$1,062	\$3,187
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$1,062	\$3,187
<b>SECTION TOTALS</b>	<b>2007-08</b>	<b>2008-09</b>
GENERAL FUND	\$0	\$0
	<hr/>	<hr/>
SECTION TOTAL - ALL FUNDS	\$0	\$0

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

Effective April 23, 2008.

**CHAPTER 677**

**H.P. 1403 - L.D. 2019**

**An Act To Make Capital Rail Improvements for Economic Development Purposes**

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

**Sec. 1. 23 MRSA §4210-B, sub-§7** is enacted to read:

**7. Sales tax revenue.** Beginning July 1, 2009 and every July 1st thereafter, the State Controller shall transfer to the STAR Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 50% of the revenue from the tax imposed on the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the first 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund under Title 30-A, section 5681, subsection 5. Begin-

ning on October 1, 2009 and every October 1st thereafter, the State Controller shall transfer to the STAR Transportation Fund an amount, as certified by the State Tax Assessor, that is equivalent to 50% of the revenue from the tax imposed on the value of rental for a period of less than one year of an automobile pursuant to Title 36, section 1811 for the last 6 months of the prior fiscal year after the reduction for the transfer to the Local Government Fund. The tax amount must be based on actual sales for that fiscal year and may not consider any accruals that may be required by law. The amount transferred from General Fund sales and use tax revenues does not affect the calculation for the transfer to the Local Government Fund.

See title page for effective date.

**CHAPTER 678**

**S.P. 779 - L.D. 1985**

**An Act To Meet the Emergency Needs of Maine Veterans**

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

**Whereas,** necessary emergency assistance to veterans in need of funds must be provided before the end of the legislative session; 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. 37-B MRSA §505, sub-§1-A,** as enacted by PL 2001, c. 439, Pt. QQ, §2, is amended to read:

**1-A. Financial assistance.** Financial assistance may be granted as follows.

A. The bureau may provide a grant of temporary assistance not to exceed ~~\$200 per month and not to exceed \$600 in any 12 month period~~ to a veteran in this State who has filed a valid claim for a veteran's pension, pending notification of the award of such a pension, if that veteran is not incarcerated or a permanent resident of a nursing home and requests such assistance. For purposes of this paragraph, "claim for a veteran's pension" means a claim filed with the federal Veterans'