

# 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**

**Sec. 1. 36 MRSA §1760, sub-§45, ¶A-3**, as enacted by PL 2005, c. 519, Pt. EE, §1 and affected by §3, is amended to read:

A-3. If the property is an aircraft not exempted under subsection 88 and the owner at the time of purchase was a resident of another state or tax jurisdiction and the aircraft is present in this State not more than 20 days during the 12 months following its purchase, exclusive of days during which the aircraft is in this State for the purpose of undergoing "major alterations," "major repairs" or "preventive maintenance" as those terms are described in 14 Code of Federal Regulations, Appendix A to Part 43, as in effect on January 1, 2005. For the purposes of this paragraph, the location of an aircraft on the ground in the State at any time during a day is considered presence in the State for that entire day, and a day must be disregarded if at any time during that day the aircraft is used to provide free emergency or compassionate air transportation arranged by an incorporated nonprofit organization providing free air transportation in private aircraft by volunteer pilots so children and adults may access life-saving medical care; or

**Sec. 2. Application.** This Act applies to sales, leases or uses that occur on or after July 1, 2008.

See title page for effective date.

**CHAPTER 692**

**H.P. 1508 - L.D. 2129**

**An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry**

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

**Sec. 1. 12 MRSA §6191, sub-§1**, as amended by PL 2003, c. 248, §4, is further amended to read:

**1. Procedures.** In adopting or amending any rule, except as provided in section 6194, the commissioner shall use the procedures required for rulemaking under the Maine Administrative Procedure Act, Title 5, chapter 375, and the additional requirements of this subchapter.

**Sec. 2. 12 MRSA §6194** is enacted to read:

**§6194. Shellfish area closure status notification**

Notwithstanding Title 5, section 8053, the notification of rulemaking relating to the status of a shellfish area is not required to be published in a newspaper. The department shall place any information con-

cerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. The commissioner may, in the case of an emergency as determined by the commissioner, advertise a change in the status of a shellfish area in the newspaper.

**Sec. 3. 12 MRSA §6651, sub-§1**, as amended by PL 2003, c. 20, Pt. WW, §12, is further amended to read:

**1. Fees to be paid into fund.** Sixty-five percent of all fees from shellfish licenses, mussel hand-raking and boat licenses, shellfish transportation licenses and wholesale seafood licenses must be paid into the Shellfish Fund. The Shellfish Fund may receive any other money, including any other gift, grant or other source of revenue.

**Sec. 4. Report.** The Department of Marine Resources shall monitor the impact, including but not limited to complaints, of the changes made to the notification requirements under this Act and report its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than March 1, 2010.

**Sec. 5. Transfer.** Notwithstanding any other provision of law, on or before July 31, 2008, the State Controller shall transfer \$25,000 from the unappropriated surplus of the General Fund to the Shellfish Fund, Other Special Revenue Funds account within the Department of Marine Resources.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027**

Initiative: Recognition of cost savings due to the department's not publishing the status of shellfish areas in a newspaper.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$25,000)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$25,000)</b>

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027**

Initiative: Provides an allocation for funding overtime for water quality staff and training for volunteers in the water quality program.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
Personal Services	\$0	\$25,000
<hr style="width: 50%; margin-left: 0;"/>		
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$25,000

See title page for effective date.

**CHAPTER 693**

**H.P. 1531 - L.D. 2151**

**An Act To Make Minor Substantive Changes to the Tax Laws**

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

**Sec. 1. 7 MRSA §60, sub-§2, ¶A**, as enacted by PL 2007, c. 301, §1, is amended to read:

A. In an amount ~~equal~~ up to 100% of the annual property taxes assessed by that municipality against land and buildings subject to a qualified easement up to the fair market value of the easement; and

**Sec. 2. 7 MRSA §60-A, sub-§1, ¶B**, as enacted by PL 2007, c. 301, §1, is amended to read:

B. Unless approved by a 2/3 vote of the municipality's legislative body, the municipality may not enter into farm support arrangements:

- (1) Affecting more than 3% of the total annual valuation of taxable land in the municipality; and
- (2) In any calendar year, affecting more than 1% of the total annual valuation of taxable land in the municipality.

**Sec. 3. 30-A MRSA §5223, sub-§3**, as amended by PL 2007, c. 413, §3, is further amended to read:

**3. Conditions for approval.** Designation of a development district is subject to the following conditions.

A. At least 25%, by area, of the real property within a development district must meet at least one of the following criteria:

- (1) Must be a blighted area;
- (2) Must be in need of rehabilitation, redevelopment or conservation work; or
- (3) Must be suitable for commercial or arts district uses.

B. The total area of a single development district may not exceed 2% of the total acreage of the municipality. The total area of all development districts may not exceed 5% of the total acreage of the municipality.

C. The original assessed value of a proposed tax increment financing district plus the original assessed value of all existing tax increment financing districts within the municipality may not exceed 5% of the total value of taxable property within the municipality as of April 1st preceding the date of the commissioner's approval of the designation of the proposed tax increment financing district.

Excluded from the calculation in this paragraph is any district excluded from the calculation under former section 5253, subsection 1, paragraph C and any district designated on or after the effective date of this chapter that meets the following criteria:

- (1) The development program contains project costs, authorized by section 5225, subsection 1, paragraph A, that exceed \$10,000,000;
- (2) The geographic area consists entirely of contiguous property owned by a single taxpayer;
- (3) The assessed value exceeds 10% of the total value of taxable property within the municipality; and
- (4) The development program does not contain project costs authorized by section 5225, subsection 1, paragraph C.

For the purpose of this paragraph, "contiguous property" includes a parcel or parcels of land divided by a road, power line or right-of-way.

D. The aggregate value of municipal general obligation indebtedness financed by the proceeds from tax increment financing districts within any county may not exceed \$50,000,000 adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City Average from January 1, 1996 to the date of calculation.

- (1) The commissioner may adopt rules necessary to allocate or apportion the designation of captured assessed value of property within proposed tax increment financing districts to permit compliance with the condition in this paragraph. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.