

# 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**

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**RESOLVES OF THE STATE OF MAINE  
AS PASSED AT  
THE SECOND REGULAR SESSION OF THE  
ONE HUNDRED AND TWENTY-THIRD LEGISLATURE  
2007**

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**CHAPTER 144  
H.P. 1532 - L.D. 2155**

**Resolve, To Assist Maine's  
Forest Products Industry**

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

**Whereas,** Maine is dependent on its natural resources-based economy; and

**Whereas,** the price of diesel fuel in Maine is at an all-time high and is devastating the Maine economy, especially with regard to loggers and truckers carrying forest products; and

**Whereas,** Governor John E. Baldacci has already issued a Declaration of Civil Emergency regarding the high price of diesel fuel and its impact on the State's forest products industry; and

**Whereas,** the Coalition to Lower Fuel Prices in Maine was recently established and has been meeting to find solutions to the high price of diesel fuel; and

**Whereas,** an increase of the gross vehicle weight of 6-axle tractor-trailers of 5% from 100,000 pounds to 105,000 pounds can be tolerated by Maine's roads and bridges when allowed for a short duration; 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

**Sec. 1. Gross vehicle weight limits for 6-axle combination vehicles carrying forest products. Resolved:** That, notwithstanding the Maine Revised Statutes, Title 29-A, section 2354 or 2357, on and after the effective date of this section but before April 1, 2008, a vehicle otherwise subject to the weight limit established in section 2354, subsection 2 is subject to a temporary tolerance and is not in violation of that weight limit if the vehicle is carrying forest products and its gross vehicle weight is less than 105,000 pounds. This temporary tolerance does not otherwise affect the application of the Maine Revised Statutes, Title 29-A, section 2354 or 2357 or the base fine for vehicles that exceed this temporary tolerance.

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

Effective January 22, 2008.

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**CHAPTER 145  
S.P. 764 - L.D. 1970**

**Resolve, To Extend to January  
20, 2008 the Reporting  
Deadline for the Tribal-State  
Work Group**

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

**Whereas,** this legislation extends to January 20, 2008 the reporting deadline for the Tribal-State Work Group; 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

**Sec. 1. Resolve 2007, c. 142, §8, amended. Resolved:** That Resolve 2007, c. 142, §8 is amended to read:

**Sec. 8. Report. Resolved:** That, no later than ~~December 5, 2007~~ January 20, 2008, the work group shall submit a report that includes its findings and recommendations, including suggested legislation, for presentation to the Second Regular Session of the 123rd Legislature, the Governor, the Aroostook Band of Micmacs, the Houlton Band of Maliseet Indians, the Passamaquoddy Tribe at Indian Township, the Passamaquoddy Tribe at Pleasant Point and the Penobscot Nation. The work group is authorized to introduce legislation related to its report to the Second Regular Session of the 123rd Legislature at the time of submission of its report; and be it further

; and be it further

**Sec. 2. Retroactivity. Resolved:** That this resolve applies retroactively to December 5, 2007.

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

Effective January 24, 2008.

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**CHAPTER 146**  
**H.P. 996 - L.D. 1413**

**Resolve, To Review the Law  
Governing Municipal Service  
Charges for Tax-exempt  
Property**

**Sec. 1. Study group. Resolved:** That the State Tax Assessor shall convene a group of interested parties to review the current laws and constitutional requirements related to municipal service charges for tax-exempt property. The group must include representatives of municipal assessors; municipal officers, including a municipal officer from a service center community as defined in the Maine Revised Statutes, Title 30-A, section 4301, subsection 14-A; private colleges and universities; hospitals; nonprofit medical institutions; an organization representing the interests of municipal governments; an organization representing a broad spectrum of nonprofit entities; and such persons as the assessor considers desirable; and be it further

**Sec. 2. Duties. Resolved:** That the group under section 1 shall review the Maine Revised Statutes, Title 36, section 652, subsection 1, paragraph L and evaluate and identify:

1. How the statute is designed to be implemented under current law;
2. Alternative methods of rationally calculating the direct cost of municipal services that are provided to institutions and organizations entitled to property tax exemptions pursuant to section 652;
3. Any institutions and organizations entitled to a property tax exemption pursuant to section 652 that should not be subject to service charges, either by category, size, assessed value or other circumstance;
4. Whether service charges should be applied through the enactment of local ordinances or uniformly across municipal jurisdictions as a matter of state law;
5. All issues regarding the administration of the statute that should be established as a matter of ordinance or statute, including without limitation the process of appeal, assessment and collection procedures, assessment limitations and the municipal use of service fee revenue; and

6. Any other considerations regarding the statute as may be considered appropriate by the group; and be it further

**Sec. 3. Report. Resolved:** That the group under section 1 shall review and develop recommendations regarding ways to structure the funding of municipal services directly provided to tax-exempt institutions and organizations that fairly allocate those costs to the users and beneficiaries of those institutions and organizations. The group shall submit its report along with any recommendations to the joint standing committee of the Legislature having jurisdiction over taxation matters no later than December 15, 2008. The joint standing committee may submit legislation related to the report to the First Regular Session of the 124th Legislature.

See title page for effective date.

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**CHAPTER 147**  
**H.P. 1487 - L.D. 2101**

**Resolve, To Change the Name  
of the South Bridge between  
Lewiston and Auburn**

**Sec. 1. South Bridge between Lewiston and Auburn name change. Resolved:** That the South Bridge, state bridge number 3330, crossing the Androscoggin River between the cities of Lewiston and Auburn be renamed the Bernard Lown Peace Bridge, in honor of former resident Dr. Bernard Lown, a cardiologist who is recognized for advancing the science of heart defibrillation and the recipient of the Nobel Peace Prize in 1985 as a cofounding member of International Physicians for the Prevention of Nuclear War. Both city councils unanimously approved the renaming of the bridge in honor of Dr. Bernard Lown.

See title page for effective date.

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**CHAPTER 148**  
**H.P. 1442 - L.D. 2058**

**Resolve, Authorizing the  
President of the Maine  
Community College System To  
Sell 2 Parcels of Real Property  
in South Portland**

**Sec. 1. Definitions. Resolved:** That, as used in this resolve, unless the context otherwise indicates, the following terms have the following meanings.

1. "Board" means the Board of Trustees of the Maine Community College System.