MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 2008 to June 13, 2009

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
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TITLE 3, SECTION 163-A, SUBSECTION 4.

Augusta, Maine
2009

CHAPTER 422
H.P. 338 - L.D. 450

An Act To Include Commercial Silvicultural Crop Production in the Sales Tax Exemption for Certain Products Used in Commercial Agricultural Crop Production Activities

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

Sec. 1. 36 MRSA §1760, sub-§7-B, as enacted by PL 2005, c. 12, Pt. GGG, §2, is amended to read:

7-B. Products used in commercial agricultural and silvicultural crop production. Sales of seed, fertilizers, defoliants and pesticides, including, but not limited to, rodenticides, insecticides, fungicides and weed killers, for use in the commercial production of an agricultural or silvicultural crop.

See title page for effective date.

CHAPTER 423
S.P. 254 - L.D. 679

An Act To Allow a Court To Award Attorney's Fees in Successful Freedom of Access Appeals

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

Sec. 1. 1 MRSA §409, sub-§4 is enacted to read:

4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.

See title page for effective date.

CHAPTER 424
H.P. 370 - L.D. 525

An Act To Amend the Law Regarding Littering on Public Lands

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

Sec. 1. 17 MRSA §2264-B, sub-§5, as amended by PL 2007, c. 651, §21, is further amended to read:

5. License suspension. Surrender the person's motor vehicle operator's license for a period not exceeding 30 days ~~and the person's hunting and fishing licenses issued by the Department of Inland Fisheries and Wildlife for a period of up to one year if the violation occurred in a state-owned wildlife management area as designated in Title 12, section 12708 or a wildlife sanctuary as designated in Title 12, section 12706~~. The court may suspend an operator's license for any violation of section 2264-A that involves the use of a motor vehicle.

Sec. 2. Review and evaluation of the litter control laws. The Joint Standing Committee on Criminal Justice and Public Safety shall review the State's litter control laws regarding the dumping of waste material or unwanted objects on public and private property without the permission of the landowner, including, but not limited to, the history of those litter control laws, the effectiveness of those laws in preventing such dumping and the prosecutorial statistics for those responsible for such dumping. The committee shall determine changes needed to the litter control laws, in particular the penalty structure, to reduce the occurrence of people dumping waste material or unwanted objects on public and private property without the permission of the landowner, which has become more frequent, resulting in significant disposal costs for landowners and driving private landowners to post their property. The committee shall also seek to increase the rates of successful prosecution of those responsible for such dumping. The Joint Standing Committee on Criminal Justice and Public Safety may submit legislation to the Second Regular Session of the 124th Legislature regarding this matter.

See title page for effective date.

CHAPTER 425
S.P. 205 - L.D. 545

An Act To Amend the Tax Exemption Regarding Leased Property