

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
SEPTEMBER 12, 2009

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

Augusta, Maine
2009

capacity limit for eligible facilities from 500 kilowatts to 660 kilowatts.

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

Effective April 30, 2009.

CHAPTER 21

H.P. 412 - L.D. 574

Resolve, To Increase the Blood Supply

Sec. 1. Assistance for approval to receive hereditary hemochromatosis donations. Resolved: That the Department of Health and Human Services shall provide information and guidance to assist blood donation centers in meeting the United States Department of Health and Human Services, Food and Drug Administration requirements to receive blood and blood components collected through therapeutic phlebotomies from individuals with diagnosed hereditary hemochromatosis.

See title page for effective date.

CHAPTER 22

H.P. 6 - L.D. 11

Resolve, To Encourage the Preservation of Dark Skies

Sec. 1. State Planning Office to establish standards. Resolved: That the Executive Department, State Planning Office shall review existing commercial outdoor lighting standards and make recommendations on standard language that will limit light pollution and encourage the preservation of the area's natural state, as well as identify policy options for promoting outdoor lighting standards for commercial development. The State Planning Office shall present its findings in a report to the Joint Standing Committee on Business, Research and Economic Development no later than January 15, 2010.

See title page for effective date.

CHAPTER 23

H.P. 285 - L.D. 378

Resolve, To Direct the Department of Marine Resources To Study the Issues Surrounding the Harvest of Bait Fish within Territorial Waters

Sec. 1. Harvest of bait fish within territorial waters of the State. Resolved: That the Commissioner of Marine Resources shall conduct, within the existing budget of the Department of Marine Resources, a study of the harvest of bait fish within the territorial waters of the State and develop a plan to address the issues surrounding the harvest of bait fish; and be it further

Sec. 2. Report. Resolved: That the Commissioner of Marine Resources shall report the findings, recommendations and plan developed as a result of the study to the Joint Standing Committee on Marine Resources by January 4, 2010. The report must also contain a series of regulatory options that may be used to implement the commissioner's recommendations and plan; and be it further

Sec. 3. Authority to submit legislation. Resolved: That the Joint Standing Committee on Marine Resources may submit legislation relating to the study to the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 24

S.P. 48 - L.D. 129

Resolve, Directing the Secretary of State To Conduct a Pilot Program for Early Voting for the November 2009 Election

Sec. 1. Secretary of State to conduct a pilot program for early voting. Resolved: That the Secretary of State shall administer a pilot program that allows selected municipalities to conduct early voting at polling places up to 10 days prior to election day, November 3, 2009. The Secretary of State shall select the municipalities to participate in the program, subject to the consent of the municipal clerks. In administering the early voting program, the Secretary of State shall use findings of the April 1, 2007 report and

pilot program for early voting and the February 25, 2008 report on the November 2007 pilot program for early voting from the Office of the Secretary of State and best practices used by other states that have early voting laws; and be it further

Sec. 2. Reporting date established. Resolved: That the Secretary of State shall submit a report by January 15, 2010 to the Joint Standing Committee on Legal and Veterans Affairs detailing the results of the pilot program under section 1. The report may include suggested legislation necessary to implement early voting. The committee may submit legislation regarding early voting to the Legislature during the Second Regular Session of the 124th Legislature.

See title page for effective date.

CHAPTER 25

H.P. 64 - L.D. 74

Resolve, To Review and Update Sales Tax Exemptions for Products Purchased for Agricultural Use

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

Whereas, interpretations of statute and communication of interpretations are essential for consistent implementation of laws; and

Whereas, the review of certain sales tax exemptions by 3 state agencies is a first step in developing recommendations for improvements in rules and bulletins; and

Whereas, these recommendations need to come back to the joint standing committees of jurisdiction; 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. Review of rules and bulletins. Resolved: That the Department of Agriculture, Food and Rural Resources, referred to as "the department" in this resolve, shall review the rules and bulletins of the Department of Administrative and Financial Services, Bureau of Revenue Services, referred to in this resolve as "the bureau," related to sales tax exemptions for the purchase of products used in commercial agricultural crop production or in animal agriculture pur-

suant to the Maine Revised Statutes, Title 36, section 1760, subsections 7-B and 7-C and the refund of sales taxes related to machinery and equipment purchases for commercial agricultural production pursuant to Title 36, section 2013. The department shall determine whether or not the appropriate products, machinery and equipment are included in rules or in bulletins written and distributed by the bureau to interpret the statutory provisions for sales tax exemptions and sales tax refunds pertaining to agriculture.

The department shall confer with the Department of Conservation on the advisability of including the growing of trees for harvest in the definition of "commercial agricultural crop production." No later than September 15, 2009, the department shall provide the bureau with any recommended changes to the bureau's rules and bulletins; and be it further

Sec. 2. Notice of revisions to and interpretations of rules and bulletins. Resolved: That the bureau shall provide the department with a description of the process used to notify the public, and retailers and wholesalers in particular, of amendments to the bureau's rules and revisions to the bureau's bulletins regarding products qualifying for sales tax exemptions or equipment and machinery eligible for a sales tax refund. The bureau shall also provide the department with a description on how the bureau responds to requests for an interpretation of the statutes, rules or bulletins developed to implement the statutes. The bureau, in consultation with the department, shall develop a protocol for documenting requests for interpretations and responding to them. The goal of this review is to improve the bureau's ability to deliver consistent responses to inquiries and accountability within the bureau; and be it further

Sec. 3. Report and recommendations submitted to joint standing committees. Resolved: That the bureau shall review the recommendations of the department under section 1 and prepare proposed changes to the bureau's rules and bulletins based on the recommendations. The bureau shall prepare a response to the department's recommended changes that includes the bureau's comments on each recommended change and any statutory changes needed to implement the department's recommendations, and include this information in its report to the legislative committees along with an estimate of the fiscal impact of each recommendation.

The bureau shall report its findings and any recommendations to the Joint Standing Committee on Taxation and the Joint Standing Committee on Agriculture, Conservation and Forestry by January 15, 2010. The report must include a description of an improved protocol to respond to requests for interpretations as developed under section 2. The recommendations may include revisions to the bureau's bulletins or rules or convey a decision to adopt rules to clarify