

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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

J.S. McCarthy Company
Augusta, Maine
2001

Sec. 1. 26 MRSA §621-A, sub-§4, as enacted by PL 1999, c. 790, Pt. P, §1 and affected by §3, is amended to read:

4. School personnel. Employees of a school administrative unit who work the school year schedule may, upon written agreement ~~with the employer between the employees and the school administrative unit~~, be paid for their work during the school year over 12 months or a shorter period, as provided in the written agreement. For purposes of this subsection, "written agreement" includes but is not limited to a collective bargaining agreement.

See title page for effective date.

CHAPTER 157

S.P. 192 - L.D. 664

An Act to Amend the Employment Tax Increment Financing Program

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

Sec. 1. 36 MRSA §6753, sub-§11, as enacted by PL 1995, c. 669, §5, is amended to read:

11. Qualified business. "Qualified business" means any for-profit business in this State, other than a public utility as defined by Title 35-A, section 102, that adds ~~45~~ 5 or more qualified employees above its base level of employment in this State within any 2-year period commencing on or after January 1, 1996 and that meets one of the following criteria:

- A. The business is not engaged in retail operations;
- B. The business is engaged in retail operations but less than 50% of its total annual revenues from Maine-based operations are derived from sales taxable in this State; or
- C. The business is engaged in retail operations and can demonstrate to the commissioner by a preponderance of the evidence that any increased sales will not include sales tax revenues derived from a transferring or shifting of retail sales from other businesses in this State.

For purposes of this subsection, "retail operations" means sales of consumer goods for household use to consumers who personally visit the business location to purchase the goods.

See title page for effective date.

CHAPTER 158

S.P. 90 - L.D. 317

An Act to Clarify the Maine Turnpike Authority's Power Regarding Confidentiality of Information

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

Sec. 1. 23 MRSA §63, as amended by PL 1971, c. 593, §22, is repealed and the following enacted in its place:

§63. Records of right-of-way division confidential

The records and correspondence of the right-of-way divisions of the Department of Transportation and the Maine Turnpike Authority relating to negotiations for and appraisals of property, pending the final settlement for all claims on the project to which they relate, and the records and data of the department and the Maine Turnpike Authority relating to engineering estimates of costs on projects to be put out to bid are confidential and may not be open for public inspection. The records and correspondence of the right-of-way divisions relating to negotiations for and appraisals of property must be open for public inspection after 9 months following the completion date of the project according to the record of the department or authority. Records of claims that have been appealed to the Superior Court must be open for public inspection following the award of the court.

See title page for effective date.

CHAPTER 159

H.P. 553 - L.D. 708

An Act Concerning Commercial Driver License Certification

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

Sec. 1. 29-A MRSA §1301, sub-§7 is enacted to read:

7. Physical examination. A physical examination that may be required by the Secretary of State for the issuance or renewal of a license may be performed by a licensed physician, physician assistant, nurse practitioner or other competent treatment personnel as determined by the Medical Advisory Board.

See title page for effective date.