

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2002**

that the department's determination is appealed to Superior Court pursuant to this paragraph, forfeiture of the claimant's right to receive reimbursement of taxes under Title 36, chapter 915 may not occur unless the Superior Court, subject to any appeal to the Law Court, finds that the claimant had not substantially complied with the reporting requirements of this section.

**5. Rules.** Rules adopted by the commissioner under this section are routine technical rules as defined in chapter 375, subchapter II-A.

**Sec. 3. 5 MRSA §13070-K**, as enacted by PL 1997, c. 761, §2, is amended to read:

**§13070-K. Economic development incentive contract**

If the commissioner enters into a contractual relationship with ~~an employer~~ a business regarding the provision of an economic development incentive in return for the ~~employer's~~ business's agreement to locate, expand or retain its facilities in the State, that contract must contain a statement of the State's expected public benefit from its investment of public funds.

**Sec. 4. 5 MRSA §13070-L**, as amended by PL 1999, c. 768, §3, is repealed.

**Sec. 5. 5 MRSA §13070-M**, as amended by PL 1999, c. 768, §4, is repealed.

See title page for effective date.

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**CHAPTER 482**

**H.P. 1496 - L.D. 1999**

**An Act to Clarify Recent  
Amendments to the Maine Consumer  
Credit Code**

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

**Whereas**, in Public Law 2001, chapter 82 the Legislature amended the law to provide customers with the option of deferring a first payment of interest on the purchase of an automobile for a period of up to 12 months so as to allow customers the same options available to consumers in other states and to allow new car automobile dealers in the State to compete effectively by providing to Maine consumers the same products offered by dealers in neighboring states; and

**Whereas**, a question has arisen as to the interpretation of the language contained in Public Law 2001, chapter 82; and

**Whereas**, the Department of Professional and Financial Regulation has issued Joint Advisory Ruling #109, which addresses the questions raised in connection with that law; and

**Whereas**, a delay in amending the law will affect transactions occurring daily throughout the State to the detriment of consumers and businesses; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 9-A MRSA §3-308, sub-§3**, as amended by PL 2001, c. 82, §1, is further amended to read:

**3.** A schedule of payments may provide for the deferral of the first periodic payment subsequent to any down payment for a period of not more than 12 months, except that interest or costs may not accrue in connection with the deferral of the first periodic payment if the deferral is for a period of time in excess of 90 days;

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

Effective February 21, 2002.

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**CHAPTER 483**

**H.P. 1457 - L.D. 1954**

**An Act to Repeal the Sunset  
Provision Regarding the State Police  
Providing Services at Cost to  
Governmental and Nongovernmental  
Entities**

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

**Whereas**, current law allowing the State Police to provide services to governmental and nongovernmental entities at cost will expire on July 30, 2002; and

**Whereas**, the services are for public safety purposes and there is a definite need to provide those services uninterrupted because the State Police receives numerous and continuing requests to provide services; 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 enacted by the People of the State of Maine as follows:**

**Sec. 1. 25 MRSA §1502, 4th ¶**, as amended by PL 1999, c. 653, §1, is further amended to read:

Upon the request of a federal agency or other person, the State Police may provide assistance for public safety purposes only to the federal agency or other person. The Chief of the State Police may charge the various federal agencies or other persons for these services. Revenues received from these agencies and other persons must be allocated for the purpose of funding the cost of providing the services. ~~Beginning January 2001 and annually thereafter, the~~ The State Police shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters no later than January 15th of each year concerning the assistance provided to federal agencies and other persons during the previous calendar year. The report must contain information about the types of services provided, the number of services and the fees charged by the Chief of the State Police. ~~This paragraph is repealed July 30, 2002.~~

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

Effective February 21, 2002.

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**CHAPTER 484**

**H.P. 1412 - L.D. 1856**

**An Act to Amend the Definition of "Governmental Unit" as It Relates to the Maine Municipal Bond Bank Act**

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

**Sec. 1. 30-A MRSA §5903, sub-§6**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

**6. Governmental unit.** "Governmental unit" means any county, municipality, School Administrative District, community school district or other quasi-municipal corporation within the State, including any corporation owned entirely by a municipality and providing water, sewer or electric service or performing other essential governmental functions.

See title page for effective date.

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**CHAPTER 485**

**S.P. 679 - L.D. 1881**

**An Act to Reduce Administration in the Right-of-way Process of the Department of Transportation**

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

**Sec. 1. 23 MRSA §153-B, sub-§2**, as amended by PL 1997, c. 272, §1, is further amended to read:

**2. Survey and appraisal.** When property is to be purchased or taken over and held for the State, unless the department determines that an adequate description already exists, the department shall first cause the property or interest in the property to be acquired to be surveyed and described, and a plan of the property made, and to be appraised by one or more appraisers. The owner or the owner's designated representative must be given an opportunity to accompany the appraisers during the appraiser's inspection of the property. All persons employed by the department are authorized, to the extent necessary for surveys, appraisals and preliminary engineering, to enter and cross all lands within, adjoining and adjacent to the area proposed for acquisition in carrying out the objectives of this section. The department may prescribe procedures to waive the appraisal in cases involving the acquisition by sale or donation of property or interest in property. The department may prescribe procedures to waive the appraisal in cases in which the fair market value of the property or interest in the property to be taken is estimated at ~~\$5,000~~ \$15,000 or less and valuation can be established by another method. In any case in which the department and the owner do not reach an agreement about the value of property or interest in property to be acquired, or if the owner requests, the department shall perform an appraisal.

See title page for effective date.