

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

(4) The municipal officers may establish and enforce the time limit for use of a parking space reserved as a handicapped parking space on a public way or public parking area.

See title page for effective date.

CHAPTER 118

H.P. 419 - L.D. 556

An Act To Establish New Standards for Credit Reporting

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

Sec. 1. 10 MRSA §1315, sub-§1, ¶D is enacted to read:

D. The procedures adopted by the consumer reporting agency pursuant to section 1317 to enable a consumer to correct any inaccurate information contained in that consumer's consumer report.

Sec. 2. 10 MRSA §1316, sub-§2-A, as enacted by PL 1985, c. 140, §2, is repealed.

Sec. 3. 10 MRSA §1316, sub-§2-B is enacted to read:

2-B. Fees for disclosures. Notwithstanding any other provision of this chapter, a consumer reporting agency may not impose a fee for a consumer report provided to a consumer upon request once during any 12-month period. For a 2nd or subsequent report made during a 12-month period, a consumer reporting agency may charge a consumer a fee not to exceed \$5.

See title page for effective date.

CHAPTER 119

S.P. 267 - L.D. 788

An Act To Enhance Vistas

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

Sec. 1. 23 MRSA §651, 2nd ¶, as amended by PL 1971, c. 593, §22, is further amended to read:

The department, in consultation with a municipality, may preserve and develop the natural scenic beauty along and adjacent to any state or state aid highway to integrate the public improvement with the aesthetics of the area traversed by the highway and,

particularly along those areas of the highway that constitute the entrance to that municipality. The department shall consult with each municipality traversed by a state or state aid highway on the placement of utility poles and signs within the boundaries of that municipality. The department may establish and maintain rest areas, turn-outs and parking strips for the suitable accommodation of the public whenever in its judgment the public exigency may require.

Sec. 2. 23 MRSA §651, 5th ¶, as amended by PL 1971, c. 593, §22, is further amended to read:

~~Whenever a municipality directly contributes to the construction or alteration of any highway, the~~ The department shall take into consideration the ~~views~~ interests of the municipal officers a municipality as to the location of ~~such highway~~ any state or state aid highway construction or alteration within the boundaries of that municipality.

See title page for effective date.

CHAPTER 120

H.P. 1013 - L.D. 1378

An Act To Provide Financial Relief for Maine Dairy Farmers

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

Whereas, the producer price of milk has dropped to 20-year lows; and

Whereas, these prices jeopardize the viability of the Maine dairy industry; and

Whereas, the Maine dairy industry is essential to the State's rural economy and communities and generates business activity and preserves open space; and

Whereas, the stabilization of the dairy industry during temporary price drops constitutes a public purpose and an appropriate expenditure of state revenues; 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. 7 MRSA §436, as amended by PL 1999, c. 563, §1, is further amended to read:

§436. Grants for technical assistance and research

The commissioner may use all or a portion of the accrued interest in the cash balance of the Agricultural Marketing Loan Fund and ~~interest all or a portion of~~ loan repayments, ~~up to a maximum of \$250,000 per year~~, for grants for technical assistance and the agricultural development grant program in chapter 10. The commissioner may expend grant dollars designated to an applicant in one fiscal year during the following fiscal year.

Sec. 2. 7 MRSA §3153-A is enacted to read:

§3153-A. Dairy stabilization subsidy

If the base price of milk falls below \$16.94 per hundredweight in any month beginning September 1, 2003 and ending December 31, 2003, the administrator of the Maine Milk Pool shall distribute to Maine milk producers on a per hundredweight basis 55% of the difference between \$16.94 per hundredweight and the base price of milk per hundredweight. The amount distributed for milk produced during the period between September 1, 2003 and December 31, 2003 may not exceed \$3,000,000. The Governor shall provide these funds to the Maine milk pool administrator for distribution to Maine milk producers, as provided for in this section, during the months of October 2003 to January 2004. The base price of milk is the Suffolk County, Massachusetts Class I price of milk as determined for each month by the Northeast Market Administrator of the United States Department of Agriculture. The Governor shall seek a General Fund appropriation during the Second Regular Session of the 121st Legislature if needed for the purposes of this section.

Sec. 3. 10 MRSA §1023-J, as amended by PL 2001, c. 471, Pt. A, §12, is further amended to read:

§1023-J. Agricultural Marketing Loan Fund

The Agricultural Marketing Loan Fund, referred to in this section as the "fund," is created. The fund must be deposited with and maintained by the Finance Authority of Maine. The fund must be administered by the Commissioner of Agriculture, Food and Rural Resources in accordance with Title 7, chapter 101, subchapter ~~1-D~~ 1-D. All money received by the Finance Authority of Maine from any source for the development and implementation of an improved agricultural marketing loan program must be credited to the fund. Any money credited to the fund from the issuance of bonds on behalf of the State for financing loans for agricultural enterprises may be used only for the following purposes: to provide assistance to

agricultural enterprises in this State for the design, construction or improvement of commodity and storage buildings and packing and marketing facilities; for the purchase, construction or renovation of buildings, equipment, docks, wharves, piers or vessels used in connection with a commercial agricultural enterprise; for the purchase of land in connection with development of new cranberry acreage; for the purchase of land for irrigation reservoirs or to provide direct access to water for irrigation; for the purchase of land necessary for the start-up of a new agricultural enterprise; for the expansion of an existing agricultural enterprise when the land acquisition is necessary to comply with land use regulations; ~~or~~ for the development of a business plan in accordance with the provisions of Title 7, section 436-A; or, if the commissioner so approves at the time of loan insurance commitment, to pledge money in the fund as security for, and to apply money in the fund to, payment of principal, interest and other amounts due on any term loans insured by the Finance Authority of Maine to an eligible dairy farmer. Repayment of these loans and interest on these loans must be credited to the fund and ~~must be available for making additional loans for the same purposes, except that interest~~ may be used for the purposes stated in this section or Title 7, section 436. Interest earned on money in the fund and interest earned on loans made from the fund may be used to pay the administrative costs of processing loan applications, to the extent that these costs exceed the fee for administrative costs established by Title 7, section 435, subsection 4.

A purchaser of a modern storage facility that was previously financed with a state loan from the Potato Marketing Improvement Fund may receive a loan from the Agricultural Marketing Loan Fund, but not for the same project financed by the Potato Marketing Improvement Fund. Mortgages obtained from the fund may be assumed by subsequent purchasers of the property.

In order to provide monetary support for Maine milk producers, the Commissioner of Agriculture, Food and Rural Resources may take actions and direct the Finance Authority of Maine to take actions to provide support including entering into agreements as may be necessary to sell, assign or otherwise pledge amounts in the aggregate principal amount of loans and undivided interests in a pool of loans, and assign or pledge any cash balances in the fund, mortgages or other security to provide assurance that amounts provided as monetary support by the commissioner to milk producers are returned to their original source.

Sec. 4. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$10,000 from the Division of Quality Assurance and Regulation, Other Special Revenue Funds account in the Department of Agriculture, Food

and Rural Resources to the Maine Milk Commission, Other Special Revenue Funds account, appropriation unit 22, in the Department of Agriculture, Food and Rural Resources no later than June 30, 2003.

Sec. 5. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$15,000 from the Division of Animal Health and Industry, Other Special Revenue Funds account in the Department of Agriculture, Food and Rural Resources to the Maine Milk Commission, Other Special Revenue Funds account, appropriation unit 22, in the Department of Agriculture, Food and Rural Resources no later than June 30, 2003.

Sec. 6. Transfer of funds. Notwithstanding any other provision of law, the State Controller shall transfer \$11,913 from the Maine Milk Commission, Other Special Revenue Funds account, appropriation unit 01, in the Department of Agriculture, Food and Rural Resources to the Maine Milk Commission, Other Special Revenue Funds account, appropriation unit 22, in the Department of Agriculture, Food and Rural Resources no later than June 30, 2003.

Sec. 7. Prices established by Maine Milk Commission. In establishing and changing minimum wholesale prices paid to milk producers under the Maine Revised Statutes, Title 7, chapter 603, the Maine Milk Commission may not reduce the minimum wholesale prices paid to producers based on subsidy payments made in accordance with Title 7, section 3153-A.

Sec. 8. Authority to allocate funds. Notwithstanding the Maine Revised Statutes, Title 7, section 436 or any other provision of law to the contrary, the Commissioner of Agriculture, Food and Rural Resources may allocate funds available for grants under Title 7, section 436 to the Maine Milk Commission for distribution to Maine milk producers no later than September 30, 2003.

Sec. 9. Appropriations and allocations. The following appropriations and allocations are made.

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF 01A

Division of Quality Assurance and Regulation 010 01A 0393 01

Initiative: Deappropriates funds from salary savings and a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

| General Fund | 2002-03 | 2003-04 | 2004-05 |
|-------------------|-------------|---------|---------|
| Personal Services | (\$282,702) | \$0 | \$0 |
| All Other | (5,000) | 0 | 0 |

| | | | |
|--------------------|-------------|-----|-----|
| General Fund Total | (\$287,702) | \$0 | \$0 |
|--------------------|-------------|-----|-----|

Division of Animal Health and Industry 010 01A 0394 01

Initiative: Deappropriates funds from salary savings and a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

| General Fund | 2002-03 | 2003-04 | 2004-05 |
|--------------------|------------|---------|---------|
| Personal Services | (\$76,749) | \$0 | \$0 |
| All Other | (2,816) | 0 | 0 |
| General Fund Total | (\$79,565) | \$0 | \$0 |

Office of Agricultural, Natural and Rural Resources 010 01A 0830 01

Initiative: Deappropriates funds from salary savings and a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

| General Fund | 2002-03 | 2003-04 | 2004-05 |
|--------------------|------------|---------|---------|
| Personal Services | (\$20,000) | \$0 | \$0 |
| All Other | (8,360) | 0 | 0 |
| General Fund Total | (\$28,360) | \$0 | \$0 |

Division of Market and Production Development 010 01A 0833 01

Initiative: Deappropriates funds from salary savings and a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

| General Fund | 2002-03 | 2003-04 | 2004-05 |
|--------------------|------------|---------|---------|
| Personal Services | (\$14,162) | \$0 | \$0 |
| General Fund Total | (\$14,162) | \$0 | \$0 |

Harness Racing Commission 010 01A 0320 01

Initiative: Deappropriates funds from a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

| General Fund | 2002-03 | 2003-04 | 2004-05 |
|--------------------|------------|---------|---------|
| All Other | (\$48,000) | \$0 | \$0 |
| General Fund Total | (\$48,000) | \$0 | \$0 |

Office of the Commissioner 010 01A 0401 01

Initiative: Deappropriates funds from a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

| | | | |
|---------------------|----------------|----------------|----------------|
| General Fund | 2002-03 | 2003-04 | 2004-05 |
| All Other | (\$698) | \$0 | \$0 |
| General Fund Total | (\$698) | \$0 | \$0 |

Division of Plant Industry 010 01A 0831 01

Initiative: Deappropriates funds from a reduction in operations. The funds will be reappropriated to the Maine Milk Commission for transfer to the Maine Milk Pool to aid the dairy industry.

| | | | |
|---------------------|----------------|----------------|----------------|
| General Fund | 2002-03 | 2003-04 | 2004-05 |
| All Other | (\$4,600) | \$0 | \$0 |
| General Fund Total | (\$4,600) | \$0 | \$0 |

Maine Milk Commission 014 01A 0188 01

Initiative: Provides for a one-time appropriation of funds to be transferred to the Maine Milk Pool.

| | | | |
|---------------------|----------------|----------------|----------------|
| General Fund | 2002-03 | 2003-04 | 2004-05 |
| All Other | \$463,087 | \$0 | \$0 |
| General Fund Total | \$463,087 | \$0 | \$0 |

Initiative: Provides for the allocation of funds to the Maine Milk Commission's Milk Pool account to carry out the provisions of this Act. The funds must be distributed equitably no later than September 30, 2003 to all Maine dairy farmers in accordance with their production.

| | | | |
|------------------------------------|----------------|----------------|----------------|
| Other Special Revenue Funds | 2002-03 | 2003-04 | 2004-05 |
| All Other | \$1,400,000 | \$1,800,000 | \$0 |
| Other Special | | | |
| Revenue Funds Total | \$1,400,000 | \$1,800,000 | \$0 |

Maine Milk Commission 014 01A 0188 01

Initiative: Provides for the allocation of funds to the Maine Milk Commission's Milk Pool account, created in the Maine Revised Statutes, Title 7, section 3153, to be distributed to Maine dairy farmers pursuant to Title 7, section 3153-A.

| | | | |
|------------------------------------|----------------|----------------|----------------|
| Other Special Revenue Funds | 2002-03 | 2003-04 | 2004-05 |
| All Other | \$0 | \$3,000,000 | \$0 |
| Other Special | | | |
| Revenue Funds Total | \$0 | \$3,000,000 | \$0 |

**AGRICULTURE, FOOD
AND RURAL RESOURCES,
DEPARTMENT OF 01A**

| | | | |
|-------------------------------------|--------------------|--------------------|----------------|
| | 2002-03 | 2003-04 | 2004-05 |
| GENERAL FUND | \$0 | \$0 | \$0 |
| OTHER SPECIAL REVENUE FUNDS | \$1,400,000 | \$4,800,000 | \$0 |
| DEPARTMENT TOTAL - ALL FUNDS | \$1,400,000 | \$4,800,000 | \$0 |

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

Effective May 9, 2003.

CHAPTER 121
H.P. 380 - L.D. 491**An Act To Manage Water Resources**

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

Sec. 1. 22 MRSA §2660-A, sub-§3, as amended by PL 1997, c. 587, §2, is repealed and the following enacted in its place:

3. Appeal. The commissioner, after consultation with the Public Utilities Commission, the Department of Environmental Protection and the State Geologist, may authorize transport of water for commercial purposes if the commissioner finds that:

A. Transport of the water will not constitute a threat to public health, safety or welfare;

B. Water is not available naturally in the location to which it will be transported;

C. Failure to authorize transport of the water would create a substantial hardship to the potential recipient of the water; and

D. For a source not otherwise permitted by the Department of Environmental Protection, the water withdrawal will not adversely affect existing uses of groundwater or surface water resources, including private wells.

Any authorization under this subsection is for a period not to exceed 3 years but may be renewed subject to the same criteria. The department may adopt rules necessary for the implementation of this subsection. The rules may include imposition of a fee to cover the costs of providing permits, including any impact studies required by the department. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 122
S.P. 130 - L.D. 354**An Act Relating to the Operation of Snowmobiles**