

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

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

Whereas, the 90-day period would delay the processing of the year 2002 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; 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. 36 MRSA §111, sub-§1-A, as amended by PL 2001, c. 559, Pt. GG, §1 and affected by §26, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of ~~March 15~~ December 31, 2002.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2002 and to any prior years as specifically provided by the United States Internal Revenue Code.

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

Effective May 21, 2003.

CHAPTER 256

H.P. 1173 - L.D. 1599

An Act To Declare Maine Aviation and Aerospace Education Week

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

Sec. 1. 1 MRSA §146 is enacted to read:

§146. Maine Aviation and Aerospace Education Week

The 3rd week in April is designated Maine Aviation and Aerospace Education Week. The Department of Transportation, Office of Passenger Transportation shall participate in the planning of

events for this week under the auspices of the Maine Aeronautics Association.

See title page for effective date.

CHAPTER 257

H.P. 840 - L.D. 1137

An Act Regarding Riverine Impoundments

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

Sec. 1. 38 MRSA §464, sub-§13 is enacted to read:

13. Measurement of dissolved oxygen in riverine impoundments. Compliance with dissolved oxygen criteria in existing riverine impoundments must be measured as follows.

A. Compliance with dissolved oxygen criteria may not be measured within 0.5 meters of the bottom of existing riverine impoundments.

B. Where mixing is inhibited due to thermal stratification in an existing riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured below the higher of:

(1) The point of thermal stratification when such stratification occurs; or

(2) The point proposed by the department as an alternative depth for a specific riverine impoundment based on all factors included in section 466, subsection 11-A and for which a use attainability analysis is conducted if required by the United States Environmental Protection Agency.

For purposes of this paragraph, "thermal stratification" means a change of temperature of at least one degree Celsius per meter of depth, causing water below this point in an impoundment to become isolated and not mix with water above this point in the impoundment.

C. Where mixing is inhibited due to natural topographical features in an existing riverine impoundment, compliance with numeric dissolved oxygen criteria may not be measured within that portion of the impoundment that is topographically isolated. Such natural topographic features may include, but not be limited to, natural deep holes or river bottom sills.

Notwithstanding the provisions of this subsection, dissolved oxygen concentrations in existing riverine impoundments must be sufficient to support existing and designated uses of these waters. For purposes of this subsection, "existing riverine impoundments" means all impoundments of rivers and streams in existence as of January 1, 2001 and not otherwise classified as GPA.

See title page for effective date.

CHAPTER 258

H.P. 32 - L.D. 25

An Act Imposing a Horsepower Restriction for Boat Motors on Pickerel Pond

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

Sec. 1. 12 MRSA §7801, sub-§20, ¶¶T and U, as enacted by PL 2001, c. 638, §3, are amended to read:

T. Operates a motorboat having more than 10 horsepower on Middle Branch Pond in the Town of Waterboro in York County; or

U. Operates a motorboat having more than 10 horsepower on Adams Pond, Foster Pond or Otter Pond in the Town of Bridgton in Cumberland County; or

Sec. 2. 12 MRSA §7801, sub-§20, ¶V is enacted to read:

V. Operates a motorboat having more than 10 horsepower on Pickerel Pond in the territory of T.32 MD in Hancock County.

See title page for effective date.

CHAPTER 259

S.P. 451 - L.D. 1381

An Act To Regulate the Landlord-tenant Relationship

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

Sec. 1. 14 MRSA §6015, as amended by PL 1985, c. 293, §4, is further amended to read:

§6015. Notice of rent increase

Rent charged for residential estates may be increased by the lessor only after providing at least ~~30~~ 45 days' written notice to the tenant. A written or oral waiver of this requirement is against public policy and is void. Any person in violation of this section is liable for the return of any sums unlawfully obtained from the lessee, with interest, and reasonable ~~attor-~~ neys' attorney's fees and costs.

See title page for effective date.

CHAPTER 260

H.P. 577 - L.D. 778

An Act To Create the Snowmobile Trail Fund Advisory Council

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

Sec. 1. 5 MRSA §12004-I, sub-§3-B is enacted to read:

<u>3-B.</u>	<u>Snow-</u>	<u>Expenses</u>	<u>12</u>
<u>Conservation</u>	<u>mobile</u>	<u>for</u>	<u>MRSA</u>
	<u>Trail Fund</u>	<u>Nonsalaried</u>	<u>§1893-B</u>
	<u>Advisory</u>	<u>or Nonpaid</u>	
	<u>Council</u>	<u>Public</u>	
		<u>Members</u>	
		<u>Only</u>	

Sec. 2. 12 MRSA §1893-B is enacted to read:

§1893-B. Advisory council established

1. Appointment and composition. The Snowmobile Trail Fund Advisory Council, referred to in this section as "the advisory council" and established by Title 5, section 12004-I, subsection 3-B, consists of 11 members. The director or the director's designee serves as an ex officio member and may vote only to break a tie. The other 10 members are appointed by the commissioner as follows:

A. Three members who represent snowmobile clubs that are Snowmobile Trail Fund grantees;

B. Three members who represent municipal Snowmobile Trail Fund grantees;

C. Two members who represent a statewide organization with an interest in snowmobiling;

D. One member who represents snowmobile business interests; and

E. One member who represents landowner interests.