

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

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FIRST REGULAR SESSION
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SEPTEMBER 13, 2003

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2003

authority from a tenant to do so, may file the action on behalf of the aggrieved tenant, or both.

See title page for effective date.

CHAPTER 266

S.P. 160 - L.D. 441

An Act To Establish a Definition for Biodiesel Fuels

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

Sec. 1. 36 MRSA §3202, sub-§1, as enacted by PL 1983, c. 94, Pt. D, §6, is amended to read:

1. Distillates. "Distillates" means all combustible gases and liquids used in an internal combustion engine, including biodiesel fuel, except the fuel subject to the tax imposed by chapter 451 and low-energy fuel.

Sec. 2. 36 MRSA §3202, sub-§1-A is enacted to read:

1-A. Biodiesel fuel. "Biodiesel fuel" means renewable fuel composed of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats that is registered with the United States Environmental Protection Agency as a fuel and a fuel additive under the federal Clean Air Act, Section 211(b), 42 United States Code, Section 7545 and as otherwise specified in the American Society for Testing Materials Standard D6751-02a or its subsequent Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

See title page for effective date.

CHAPTER 267

H.P. 926 - L.D. 1252

An Act To Authorize Water and Wastewater Districts To Lease Their Assets

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

Sec. 1. 35-A MRSA §6109-A is enacted to read:

§6109-A. Lease of property by consumer-owned water utility

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Charter" has the same meaning as set forth in section 6402, subsection 1.

B. "Consumer-owned water utility" has the same meaning as set forth in section 6101, subsection 1-A.

2. Agreements authorized. Notwithstanding any provision to the contrary in its charter, a consumer-owned water utility may enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and may take all other action necessary or desirable, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this subsection, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

Sec. 2. 38 MRSA §1068 is enacted to read:

§1068. Lease of property by sanitary district

Nothing in this chapter is intended to limit the authority of a sanitary district to enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and to take all other action necessary or desirable, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this section, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

Sec. 3. 38 MRSA §1252, sub-§10 is enacted to read:

10. Lease of property. A sewer district may enter into a lease and leaseback transaction with respect to some or all of its real or personal property, other than land, and may take all other action necessary or desirable, including, but not limited to, the granting of mortgages and liens, to effectuate the transaction. For purposes of this subsection, "lease" includes a lease of any length, including leases that may be defined as sales for income tax purposes.

See title page for effective date.

CHAPTER 268

H.P. 981 - L.D. 1336

An Act to Strengthen the Governmental Ethics Laws

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

Sec. 1. 1 MRSA §1012, sub-§1-A is enacted to read:

1-A. Associated organization. "Associated organization" means any organization in which a Legislator or a Legislator's spouse is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity.

Sec. 2. 1 MRSA §1015, sub-§4 is enacted to read:

4. Contract with state governmental agency. A Legislator or an associated organization may not enter with a state governmental agency into any contract that is to be paid in whole or in part out of governmental funds, when such a contract is normally awarded through a process of public notice and competitive bidding, unless the contract has been awarded through a process of public notice and competitive bidding.

Sec. 3. 1 MRSA §1016-D is enacted to read:

§1016-D. Disclosure of bids on government contracts

When a Legislator or associated organization bids on a contract with a state governmental agency, the Legislator or associated organization shall file a statement with the commission no later than 5:00 p.m. on the day the bid is submitted that discloses the subject of the bid and the names of the Legislator, associated organization and state governmental agency as appropriate. The bid disclosure statement filed under this section must be on a form prescribed by the commission and is a public record as defined in section 402.

Sec. 4. 1 MRSA §1017-A is enacted to read:

§1017-A. Civil penalties; late and incomplete statements; failure to file

A Legislator who fails to file a statement in accordance with this subchapter may be assessed a fine of \$10 for each business day the statement is filed late. A statement is not considered filed unless it substantially conforms to the requirements of this subchapter and is properly signed. The commission shall determine whether a statement substantially conforms to the requirements of this subchapter.

See title page for effective date.

CHAPTER 269

H.P. 779 - L.D. 1061

An Act To Amend the Filing Requirements for Special Hide Dealers

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

Sec. 1. 12 MRSA §7352-A, sub-§4, as amended by PL 2001, c. 387, §14, is further amended to read:

4. **Restrictions.** Each licensee shall keep a true and complete record, in such form as is required by the commissioner, of all hides bartered or sold.

~~The record~~ The licensee shall retain records required under this subsection for at least 3 years, and records must be open for inspection by the commissioner or the commissioner's agent, and must be filed with the commissioner on or before February 1st of the following year.

See title page for effective date.

CHAPTER 270

S.P. 321 - L.D. 980

An Act To Amend the Laws Governing the Qualification of Candidates

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

Sec. 1. 21-A MRSA §1125, sub-§5, ¶D, as enacted by IB 1995, c. 1, §17, is amended to read:

D. Not accepted contributions, except for seed money contributions, and otherwise complied with seed money restrictions; ~~and~~

Sec. 2. 21-A MRSA §1125, sub-§5, ¶D-1 is enacted to read:

D-1. Not run for the same office as a nonparticipating candidate in a primary election in the same election year; and

See title page for effective date.