

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

~~Services within the Department of Administrative and Financial Services~~ State Tax Assessor the initiator's abandoned deposit amounts determined pursuant to subsection 3. Those amounts may be paid from the deposit transaction fund. Amounts collected by the ~~executive director~~ assessor pursuant to this subsection must be treated by the assessor as a tax, as that term is defined by Title 36, section 111, subsection 5, and must be deposited in the General Fund.

5. Reimbursement of initiators of deposit. If in any month the authorized payments from the deposit transaction fund by an initiator pursuant to this section exceed the funds that are or should be in the initiator's deposit transaction fund, the State Tax Assessor shall reimburse the initiator, from amounts received pursuant to subsection 4, for those refunds paid by the initiator for nonrefillable beverage containers for which the funds that are or should be in the initiator's deposit transaction fund are insufficient; except that reimbursements paid by the State assessor to an initiator may not exceed amounts paid by the initiator ~~to the State~~ pursuant to subsection 4 in the preceding 24 months less amounts paid ~~by the State~~ to the initiator pursuant to this subsection during that same 24-month period.

Sec. 3. 32 MRSA §1866-E, sub-§5-A is enacted to read:

5-A. Administration by State Tax Assessor. The uniform tax administration provisions of Title 36, chapter 7 apply to the State Tax Assessor's administration of the reports and payments required by this section.

Sec. 4. 32 MRSA §1866-E, sub-§7 is enacted to read:

7. Phase in. Notwithstanding provisions of this section and section 1866 to the contrary, if a commingling agreement for a product group was filed with the department by March 1, 2004, an initiator of deposit, whether or not a party to that agreement, is not required to turn over to the State Tax Assessor the initiator of deposit's abandoned deposit amounts for that product group as required by subsection 4 until July 1, 2004. On July 1, 2004, an initiator of deposit shall turn over to the State Tax Assessor the abandoned deposit amounts that have accrued since March 1, 2004 for all beverage containers that are not covered by a qualified commingling agreement, as described in section 1866, as of July 1, 2004.

Sec. 5. Routine technical rule. Any rule change necessary to implement the inclusion of vintners within the exemption for small brewers described in the Maine Revised Statutes, Title 32, section 1866, subsection 4, paragraph D is a routine

technical rule as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. Retroactivity. This Act applies retroactively to March 1, 2004.

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

Effective May 11, 2004.

CHAPTER 701

H.P. 464 - L.D. 634

**An Act To Provide Funding for the
Maine-Canada Trade Ombudsman**

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

Sec. 1. 5 MRSA §262, as enacted by PL 2001, c. 643, §1 and affected by §3, is amended to read:

§262. Appointment; term; compensation

The Governor shall appoint an ombudsman to head the Office of the Maine-Canada Trade Ombudsman, who is referred to in this chapter as the "ombudsman," subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Senate. The ombudsman must be chosen without reference to party affiliation and solely on the ground of professional competence to perform the duties of that office. The ombudsman ~~appointed in 2003 holds office until January 1, 2005. Thereafter, the ombudsman~~ holds office for a term of 4 years. An ombudsman may be reappointed. The compensation of the ombudsman is fixed by the Governor.

Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

EXECUTIVE DEPARTMENT

**Administration - Executive -
Governor's Office**

Initiative: Provides funds for the Maine-Canada Trade Ombudsman as established in the Maine Revised Statutes, Title 5, chapter 12-A.

General Fund	2003-04	2004-05
Personal Services	\$0	\$45,000
General Fund Total	\$0	\$45,000

See title page for effective date.
