

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE FIRST REGULAR SESSION OF THE
ONE HUNDRED AND TWENTY-SECOND
LEGISLATURE
2005

CHAPTER 1

S.P. 31 - L.D. 89

**An Act To Give the Commissioner of
Inland Fisheries and Wildlife the
Authority To Allow the Operation of
Snowmobiles Registered outside the
State at Special Events Occurring in
the State**

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

Whereas, this legislation needs to take effect as soon as possible in order to apply to the 2004-2005 snowmobiling season; 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. 12 MRSA §13104, sub-§1, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §386 and affected by §422, is further amended to read:

1. Operating unregistered snowmobile. Except as provided in this subsection, subsection 7 and section 13112, a person may not operate a snowmobile that is not registered in accordance with this section.

A. A registration is not required for a snowmobile operated over the snow on land on which the owner lives or on ~~lands~~ land on which the owner is domiciled, provided the snowmobile is not operated elsewhere within the jurisdiction of this State.

B. A registration is not required for a snowmobile operated by a commercial ski area for the purpose of packing snow or for rescue ~~operation~~ operations thereon; unless the snowmobile is required to cross a public way during that operation.

C. Snowmobiles owned and operated in this State by the Federal Government, the State or a political subdivision of the State are exempt from registration fees; but must be registered and required to display numbers.

D. Registration is not required to field test repairs to a snowmobile if valid snowmobile repair shop number plates issued under section 13110 are affixed to the snowmobile during the field test and the snowmobile is not owned by the snowmobile repair shop or any repair shop employee.

E. Registration is not required to field test repairs to a snowmobile when the snowmobile is tested on the premises of a snowmobile repair shop when the snowmobile repair shop is open and the snowmobile is not owned by the snowmobile repair shop or any repair shop employee.

F. The following penalties apply to violations of this subsection.

(1) A person who violates this subsection commits a civil violation for which a fine of not less than \$100 nor more than \$500 may be adjudged.

(2) A person who violates this subsection after having been adjudicated as having committed 3 or more civil violations under this Part within the previous 5-year period commits a Class E crime.

Sec. 2. 12 MRSA §13104, sub-§7, as affected by PL 2003, c. 614, §9 and amended by c. 655, Pt. B, §387 and affected by §422, is further amended to read:

7. Snowmobiles of nonresidents. Except as specifically provided in this subsection, and notwithstanding any other provision of law, a snowmobile belonging to a nonresident may be possessed or operated by any person in this State as long as the snowmobile is properly registered in this State in the name of a nonresident owner of the snowmobile.

A nonresident is ineligible to obtain a resident registration for a snowmobile owned by that nonresident. Nothing in this subsection authorizes the operation of a snowmobile in a manner contrary to this

chapter. Snowmobiles and grooming equipment registered to a federal or state entity, snowmobile clubs, municipalities or counties from bordering states or provinces and engaged in trail grooming may be operated without being registered under this subsection. Snowmobiles registered in either New Hampshire or Canada may be operated on any lake or pond that is both partly in the State and New Hampshire or Canada without being registered in the State. Snowmobiles registered in another state or in a Canadian province may be operated without a Maine registration at a special event or festival organized to occur in this State if such operation is approved by the commissioner. An event or festival organizer must submit a request in writing to the commissioner 60 days prior to the event or festival and shall include a map of the trails where operation will be allowed.

Sec. 3. 12 MRSA §13104, sub-§11, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is repealed.

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

Effective January 18, 2005.

CHAPTER 2

H.P. 6 - L.D. 1

An Act To Increase the State Share of Education Costs, Reduce Property Taxes and Reduce Government Spending at All Levels

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

PART A

Sec. A-1. 5 MRSA §1511, as amended by PL 2003, c. 451, Pt. X, §1, is further amended to read:

§1511. Loan Insurance Reserve

~~The State Controller shall, at the close of each fiscal year, transfer 16% of the Unappropriated Surplus of the General Fund to the Reserve for General Fund Operating Capital until a maximum of \$50,000,000 is achieved. The State Controller is further authorized may, at the close of each fiscal year, to transfer from the Unappropriated Surplus of the General Fund to the Loan Insurance Reserve amounts as may be available from time to time, up to an amount of \$1,000,000 per year after the transfers have been made pursuant to section 1507. The balance of this reserve must be paid to the Finance Authority of Maine if such payment does not cause the balance in~~

the reserve fund maintained by the authority, when added to amounts held in the Finance Authority of Maine Mortgage Insurance Fund that are not committed or encumbered for another purpose, to exceed \$35,000,000. Any balance in the Loan Insurance Reserve is appropriated for this purpose.

Sec. A-2. 5 MRSA §1513, as amended by PL 2003, c. 451, Pt. X, §§2 to 4, is repealed.

Sec. A-3. 5 MRSA §1517, as amended by PL 2003, c. 451, Pt. X, §6, is repealed.

Sec. A-4. 5 MRSA §1518-A is enacted to read:

§1518-A. Tax Relief Fund for Maine Residents

1. Tax Relief Fund for Maine Residents. There is created the Tax Relief Fund for Maine Residents, which must be used to provide tax relief to residents of the State. The fund consists of all resources transferred to the fund under section 1536 and other resources made available to the fund.

2. Nonlapsing fund. Any unexpended balance in the Tax Relief Fund for Maine Residents may not lapse but must be carried forward to be used pursuant to subsection 1.

Sec. A-5. 5 MRSA c. 142 is enacted to read:

CHAPTER 142

MAINE BUDGET STABILIZATION FUND

§1531. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Average population growth. "Average population growth" means the average for the prior 10 calendar years, ending with the most recent calendar year for which data is available, of the percent change in population from July 1st of each year and estimated by the United States Department of Commerce, Bureau of Census as adjusted and maintained by the Executive Department, State Planning Office.

2. Average real personal income growth. "Average real personal income growth" means the average for the prior 10 calendar years, ending with the most recent calendar year for which data is available, of the percent change in personal income in this State, as estimated by the United States Department of Commerce, Bureau of Economic Analysis, less the percent change in the Consumer Price Index for the calendar year. For purposes of this subsection, "Consumer Price Index" has the same meaning as in Title 36, section 5402, subsection 1.