

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

CHAPTER 30

H.P. 427 - L.D. 594

An Act To Promote Education in the Unorganized Territory

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

Sec. 1. 20-A MRSA §3301, sub-§8 is enacted to read:

8. Closing school. The commissioner may not close a school in the unorganized territory except in accordance with procedures and standards established by the department by rule. The rules must provide for a public hearing in the area served by a school prior to the date of the proposed closure of the school. 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 31

H.P. 67 - L.D. 71

An Act To Amend the Law Pertaining to Nitrous Oxide Systems

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

Sec. 1. 29-A MRSA §1926, sub-§1, as reallocated by RR 2003, c. 1, §29, is repealed and the following enacted in its place:

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

A. "Fill station" means a place that refills nitrous oxide bottles.

B. "Nitrous oxide system" means a device installed in a motor vehicle that allows nitrous oxide to combine with gasoline for the purpose of increasing engine power.

Sec. 2. 29-A MRSA §1926, sub-§3, ¶B, as reallocated by RR 2003, c. 1, §29, is amended to read:

B. The motor vehicle is en route to or from a track where the motor vehicle is used for racing, a car show, an off-highway competition or event or a fill station and:

(1) The nitrous oxide system is made inoperative by disconnecting the line feeding nitrous oxide to the engine; or

(2) All containers of nitrous oxide have been removed from the motor vehicle.

See title page for effective date.

CHAPTER 32

H.P. 203 - L.D. 278

An Act To Allow Small Stores To Conduct Wine Taste Testings

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

Sec. 1. 28-A MRSA §1205, first ¶, as amended by PL 1997, c. 414, §3, is further amended to read:

For the purposes of this section, "fine wine store" means a store that ~~sells wine from at least 50% of the world's wine regions and~~ carries at least 250 different wine labels or carries at least 125 different wine labels, holds a wine license only and meets the compatible merchandise requirement of section 1201, subsections 6 and 7.

See title page for effective date.

CHAPTER 33

H.P. 493 - L.D. 673

An Act To Require Agricultural Representation on the Maine Tourism Commission

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

Sec. 1. 5 MRSA §13090-F, sub-§1, as amended by PL 2003, c. 198, §10, is further amended to read:

1. Maine Tourism Commission. The Maine Tourism Commission, established by section 12004-I, subsection 87 and referred to in this section as the "commission," shall assist and advise the Office of Tourism to achieve its purpose under section 13090-C. The commission consists of ~~24~~ 25 voting members appointed by the Governor as follows:

A. Three members representing the outdoor sporting interests of the State, including:

- (1) One member representing a statewide organization of hunters, anglers and trappers;
- (2) One member representing the interests of large landowners; and
- (3) One member representing a statewide organization of licensed Maine guides;

B. Eight public members who represent their respective regions and have experience in the field or have demonstrated concern for the travel industry; ~~and~~

C. Thirteen members of major tourism trade associations, including:

- (1) At least one member representing a statewide organization of hotels, motels and inns;
- (2) At least one member representing a statewide organization of restaurants;
- (3) At least one member representing a statewide organization of campground owners;
- (4) At least one member representing the retail sector in the State;
- (5) At least one member representing the motorcoach industry;
- (6) At least one member representing the air transportation industry;
- (7) At least one member representing arts and cultural organizations; and
- (8) At least one member representing a statewide organization of children's camps; and

D. One member representing a statewide organization of agricultural producers.

The terms of the voting members are for 4 years each. The Governor shall fill a vacancy in the membership for any unexpired term. The commissioners, directors or designees of the following state departments or offices shall serve as ex officio, nonvoting members of the commission: the department; the State Planning Office; the Department of Conservation; the Department of Transportation; the Department of Inland Fisheries and Wildlife; the Department of Agriculture, Food and Rural Resources; the Department of Education; and the Bureau of Public Improvements. The Canadian Affairs Coordinator shall also serve as an ex officio, nonvoting member of the commission.

A chair and vice-chair of the commission must be elected annually from the appointed membership.

See title page for effective date.

CHAPTER 34

H.P. 298 - L.D. 395

An Act Concerning Street Rod Standards

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

Sec. 1. 29-A MRSA §457, sub-§5, ¶¶B and C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

B. The equipment and its condition; and

C. Permissible modifications; ~~and~~.

Sec. 2. 29-A MRSA §457, sub-§5, ¶D, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

See title page for effective date.

CHAPTER 35

H.P. 310 - L.D. 425

An Act To Amend the Laws Relating to Unemployment Compensation

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

Sec. 1. 26 MRSA §1043, sub-§11, ¶F, as amended by PL 2003, c. 414, Pt. B, §38 and affected by c. 614, §9, is further amended by amending subparagraph (34) to read:

(34) Services performed in the delivery or distribution of ~~periodicals~~ newspapers or magazines to the ultimate consumer by an individual who is compensated by receiving or retaining a commission or profit on the sale of the ~~periodical~~ newspaper or magazine;

See title page for effective date.