

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

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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 53

H.P. 78 - L.D. 102

**An Act To Allow the Part-time
Assignment of State Police Officers to
Municipalities****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 25 MRSA §1502, 5th ¶**, as enacted
by PL 1999, c. 119, §1, is amended to read:

The Chief of the State Police may assign ~~a one~~
~~or more~~ state police ~~officer~~ officers to provide full-
time or part-time police services to a municipality, or
to no more than 3 adjoining municipalities, lacking an
organized police department, ~~provided if~~ the municipi-
pality or municipalities pay the costs of training,
compensation, including wages and fringe benefits,
equipment and other expenses of the assigned state
police officer or officers. The Chief of the State
Police shall continue to exercise supervision and
direction over a state police officer ~~whose regular~~
~~assignment is providing~~ who is assigned to provide
police services to a municipality or municipalities.
The Chief of the State Police and the municipality or
municipalities are authorized to enter into agreements
and contracts for police services for a period not
exceeding 3 years per agreement or contract.
Revenues received from a municipality must be
allocated for the purpose of funding the cost of
providing the police services.

Sec. 2. 30-A MRSA §3009, sub-§4, as en-
acted by PL 2003, c. 80, §1, is repealed.**Sec. 3. 30-A MRSA §3009-A** is enacted to
read:**§3009-A. Enforcement of municipal ordinances**

A municipality lacking an organized police de-
partment may contract with the State Police, pursuant
to Title 25, section 1502, or a sheriff's department for
law enforcement services, including, but not limited
to, enforcement of ordinances enacted by the municipi-
pality. State police officers and deputy sheriffs are
authorized to enforce municipal ordinances as agreed
to in the contract.

See title page for effective date.

CHAPTER 54

H.P. 153 - L.D. 202

**An Act To Clarify Matters Relating
to the Offices of Secretary and
Treasurer of the Maine Turnpike
Authority****Be it enacted by the People of the State of
Maine as follows:****Sec. 1. 23 MRSA §1965, sub-§2, ¶B**, as
amended by PL 1999, c. 177, §3, is further amended to
read:

B. Immediately after their appointments, the
members of the authority shall enter upon their
duties. The Governor shall name one of the ap-
pointed members as chair of the authority. The
authority shall elect a secretary and a treasurer,
who need not be ~~a member~~ members of the au-
thority, ~~and~~. The offices of secretary and treas-
urer may be held simultaneously by the same
person. The authority shall elect an executive di-
rector or general manager who is not a member
of the authority. ~~No~~ A vacancy in the authority
~~impairs~~ does not impair the right of a quorum of
the members to exercise all the rights and per-
form all the duties of the authority.

Sec. 2. 23 MRSA §1965, sub-§2, ¶C, as
amended by PL 1983, c. 812, §143, is further amended
to read:

C. Before the issuance of any bonds under this
chapter, the secretary and the treasurer shall each
execute a security bond in the penalty of
~~\$100,000~~ \$50,000. Each security bond must be
approved by the Attorney General and ~~shall~~ must
be conditioned upon the faithful performance of
the duties of ~~his office~~ the secretary's and treas-
urer's offices, which bond ~~shall~~ must be filed in
the office of the State Auditor. Each member of
the authority ~~shall be compensated~~ is entitled to
compensation according to the provisions of Ti-
tle 5, chapter 379. The Governor may remove a
member from the authority only for gross mis-
conduct.

See title page for effective date.

CHAPTER 55

S.P. 100 - L.D. 338

**An Act To Clarify the Applicability
of the Maine Consumer Credit Code
to Affordable Housing Organizations**

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

Sec. 1. 9-A MRSA §1-202, sub-§7, as amended by PL 1987, c. 129, §10, is further amended to read:

7. A loan or consumer credit sale made exclusively for the purpose of deferring or financing educational expenses and on which the finance charge does not exceed that rate per year on the unpaid balances of the amount financed, as ~~shall be~~ established by federal law, or, for loans or consumer credit sales for which federal law does not establish a rate, the highest rate established for educational loans under any federal program and which is insured, guaranteed, subsidized or made directly by the Federal Government, a state, a nonprofit private loan guaranty or organization, by the educational institution itself or through an endowment or trust fund affiliated with such an institution; ~~or~~

Sec. 2. 9-A MRSA §1-202, sub-§8, ¶C, as amended by PL 1987, c. 396, §2, is further amended to read:

C. With respect to a creditor other than a supervised financial organization, the exemption provided by this subsection ~~shall apply~~ applies to articles II Articles 2, III 3, IV 4 and V 5 only; or

Sec. 3. 9-A MRSA §1-202, sub-§10 is enacted to read:

10. A no-interest loan or credit sale by a nonprofit organization that assists in building or renovating housing for those in need. The exclusion in this subsection does not apply to Article 6, Part 1; section 6-201; section 6-202; section 6-203, subsection 1; section 6-204; or Article 8.

See title page for effective date.

CHAPTER 56

H.P. 428 - L.D. 595

An Act To Allow the Department of Marine Resources To Preserve and Protect Burnt Island and Burnt Island Living Lighthouse and To Regulate Their Use

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

Whereas, Burnt Island is open to the public 7 days a week from April to October; and

Whereas, the Department of Marine Resources needs the authority to regulate the use of Burnt Island, to protect the island's ecosystems and to conserve this fragile resource; and

Whereas, immediate enactment of this law is necessary to ensure that regulations are in place for the opening of Burnt Island and the Burnt Island Living Lighthouse in April 2005; 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 §6030-A is enacted to read:

§6030-A. Burnt Island; Burnt Island Living Lighthouse; rules

The commissioner may adopt such rules as are necessary to protect and preserve Burnt Island and the Burnt Island Living Lighthouse. In addition, the commissioner may adopt such rules as are necessary to provide for the successful implementation of the department-authorized educational and recreational programs that are conducted on the island. The rules may include restrictions on public access to Burnt Island and the Burnt Island Living Lighthouse as determined reasonably necessary for these purposes.

Rules adopted pursuant to the section are routine technical rules pursuant to Title 5, chapter 375, subchapter 2-A.

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

Effective April 21, 2005.

CHAPTER 57

H.P. 318 - L.D. 433

An Act To Allow the Department of Conservation To Create Dedicated Accounts for Sales of Merchandise and Acceptance of Donations

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