

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

12. Immediate review system. To establish a system to provide immediate review of a program or function of a state agency or other entity in the event that there is a suspicion of a major mismanagement of public funds or functions. If the director determines to proceed under the immediate review system and the committee approves proceeding under that system, qualified auditors and investigators may be retained by the director for that purpose. The director shall coordinate efforts with the Attorney General, State Auditor, State Controller and others considered appropriate by the director.

See title page for effective date.

CHAPTER 105

H.P. 522 - L.D. 727

An Act To Amend the Knox County Budget Process

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

Sec. 1. 30-A MRSA §751, sub-§1, ¶D, as enacted by PL 1991, c. 257, is amended to read:

D. A vacancy occurring on the budget committee must be filled by the committee, subject to confirmation by a majority of the county commissioners, for the balance of the unexpired term. The person appointed to fill the vacant office must be from the same ~~municipality district~~ or unorganized territory as the person vacating the office.

See title page for effective date.

CHAPTER 106

H.P. 835 - L.D. 1217

An Act To Permit the Stopping of Traffic by Charitable Nonprofit Organizations for Certain Fundraising Projects

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

Sec. 1. 29-A MRSA §2109, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2109. Stopping of traffic by hawkers and vendors

A person commits a traffic infraction if that person signals a moving vehicle, stops a vehicle or

accosts an occupant of a vehicle stopped on a public way to solicit a contribution or subscription, or sell merchandise or a ticket of admission to an entertainment or public gathering. This section does not apply to an event or project conducted by a charitable nonprofit organization incorporated in or recognized by the State that has received municipal and local law enforcement authorization, including approval for the organization's traffic routing, schedule and procedures for the event or project.

See title page for effective date.

CHAPTER 107

H.P. 1126 - L.D. 1590

An Act To Allow the Maine Land Use Regulation Commission To Assess a Processing Fee for Certain Projects

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

Whereas, certain projects that come before the Maine Land Use Regulation Commission require inordinate resources for appropriate review; and

Whereas, the complexity, size and uniqueness of these projects can significantly affect the ability of the Maine Land Use Regulation Commission and its staff to process more routine applications; and

Whereas, the expedient processing of all applications is important to people proposing projects within the jurisdiction of the Maine Land Use Regulation Commission; 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 §685-B, sub-§2, ¶B, as amended by PL 1995, c. 487, §1, is further amended to read:

B. The fee prescribed by the commission rules, that fee to be a minimum of \$50 but no greater than 1/4 of 1% of the total development costs, except that the fee for subdivision applications is \$300 per lot. Zoning petitions submitted by other than a state or federal agency range from

\$50 to \$500 depending on size and complexity. The fees apply to all amendments except for minor changes to building permits. A fee may not be assessed for a petition that seeks to change an area's designation under section 685-A from a management district to a development district. In addition to the fee paid in accordance with this paragraph, the director of the Maine Land Use Regulation Commission may assess a processing fee on applications for extraordinary projects in accordance with section 685-F;

Sec. 2. 12 MRSA §685-F is enacted to read:

§685-F. Extraordinary projects

1. Designation as extraordinary project. The director of the Maine Land Use Regulation Commission, referred to in this section as "the director," may designate a proposed project requiring review and approval under this chapter as an extraordinary project when the director determines that, because of the project's size, uniqueness or complexity, review of the project application is likely to:

A. Significantly impair the capacity of the commission's staff and cooperating state agencies to review other applications in a timely manner; or

B. Require the commission to incur costs that exceed the funding provided in accordance with section 685-D.

A project is considered to significantly impair the capacity of the commission's staff if review of that project is likely to occupy the equivalent of at least one person working full-time on that project for a minimum of 4 months. Designation as an extraordinary project must be made at or prior to the time the application is accepted as complete. The director shall notify the applicant in writing upon making the designation.

2. Processing fee. The processing fee for a project designated as extraordinary is the sum of the actual costs associated with review of that project application. These costs include, but are not limited to, costs of personnel, supplies, administration, travel, specialized computer software, services needed for review of that project and contracting for legal and consulting services. The director shall provide the applicant with an estimate of the processing fee for a project with a breakdown of anticipated costs. The applicant must pay 1/2 of the estimated processing fee prior to the beginning of the project review. The applicant must be billed quarterly for the remainder of the fee. The director shall deposit all processing fees in a dedicated account from which expenses attributable to the application review are paid. The commission shall withhold a decision on the project until the entire processing fee is paid. The director shall return

all unspent funds to the applicant within 120 days of the commission's decision on the application.

3. Accounting system. The director shall require that all staff involved in any aspect of an application review for a project designated as an extraordinary project keep accurate and regular daily time records. These records must describe the matters worked on, services performed and amount of time devoted to those matters and services as well as amounts of money expended in performing those functions. The director shall keep records of all expenses incurred in reviewing a project, including staff time records and billing statements for contracted services.

4. Review by commission. In accordance with section 685-B, subsection 1-B, an applicant has the right to review by the commission of a decision to designate a project as an extraordinary project or of a processing fee established under subsection 2.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**CONSERVATION,
DEPARTMENT OF**

**Land Use Regulation
Commission 02336**

Initiative: Provides initial allocations for the purpose of authorizing expenditures for the administration of extraordinary projects.

OTHER SPECIAL

REVENUE FUNDS	2004-05	2005-06	2006-07
Personal Services	\$500	\$500	\$500
All Other	\$500	\$500	\$500

OTHER SPECIAL

REVENUE FUNDS TOTAL	\$1,000	\$1,000	\$1,000
---------------------	---------	---------	---------

Sec. 4. Application. This Act applies to applications accepted for review by the Maine Land Use Regulation Commission after March 15, 2005.

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

Effective May 12, 2005.

CHAPTER 108

H.P. 215 - L.D. 290

**An Act To Amend the Laws
Governing Mobile Service Bars on
Maine Golf Courses**