

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

\$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**

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

Whereas, Maine's golf courses will lose the opportunity to realize significant economic gain from new laws that allow mobile service carts to serve beer on golf courses unless this Act takes effect prior to this year's golf 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. 28-A MRSA §1012, sub-§4, as enacted by PL 2003, c. 579, §1, is amended to read:

4. Golf course mobile service bar. A licensee who is the owner of a golf course may apply for a license to sell malt liquor from a mobile service bar as provided in section 1075-A. The license fee per calendar year is \$100.

~~This subsection is repealed January 1, 2006.~~

Sec. 2. 28-A MRSA §1075, sub-§2, as repealed and replaced by PL 2003, c. 579, §2, is amended to read:

2. Sales for consumption on slopes or courses prohibited. This section does not permit a ski area to sell liquor for consumption on the slopes away from the licensed area. Except as provided in section 1075-A, a golf course may not sell liquor for consumption on the course away from the licensed area.

~~This subsection is repealed January 1, 2006.~~

Sec. 3. 28-A MRSA §1075, sub-§2-A, as enacted by PL 2003, c. 579, §3, is repealed.

Sec. 4. 28-A MRSA §1075-A, sub-§2, ¶B, as enacted by PL 2003, c. 579, §4, is repealed and the following enacted in its place:

B. The licensee does not possess or permit possession, sale or consumption of any malt liquor on the golf course other than that which is permitted and purchased by the licensee in accordance with the license or licenses granted;

Sec. 5. 28-A MRSA §1075-A, sub-§4, as enacted by PL 2003, c. 579, §4, is repealed and the following enacted in its place:

4. Revocation and suspension of license. A licensee who holds a license issued by the bureau under this section and any other licenses that that licensee holds to sell liquor for on-premises consumption are subject to chapter 33 to the same extent as are other on-premises licensees.

Sec. 6. 28-A MRSA §1075-A, sub-§6, as enacted by PL 2003, c. 579, §4, is repealed.

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

Effective May 13, 2005.

CHAPTER 109

S.P. 216 - L.D. 680

An Act To Provide for the Efficient Administration of Scholarship Resources

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

Whereas, the ability of students of this State to attend institutions of higher education may be adversely affected if financial assistance is not available at the beginning of the academic year; 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. 8 MRSA §1036, sub-§2, ¶F, as enacted by PL 2003, c. 687, Pt. A, §5 and affected by Pt. D, §11, is amended to read:

F. Two percent of the total gross slot machine income must be forwarded by the board to the University of Maine System Scholarship Fund created in Title 20-A, section ~~4463+~~ 10909;

Sec. 2. 20-A MRSA §10909 is enacted to read:

§10909. University of Maine System Scholarship Fund

The University of Maine System Scholarship Fund is created and established as a nonlapsing fund under the jurisdiction and control of the Board of