

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

~~(33) Petroleum Advisory Committee in 2009;~~

(36) Board of Dental Examiners in 2011;

(37) Board of Osteopathic Licensure in 2011;

(38) Board of Licensure in Medicine in 2011;

(41) State Board of Nursing in 2011;

(42) State Board of Optometry in 2011;

(45) State Board of Registration for Professional Engineers in 2011; and

(50) Maine Science and Technology Foundation in 2007.

Sec. 2. 5 MRSA §12004-I, sub-§2-D, as renumbered by RR 1991, c. 2, §11, is repealed.

Sec. 3. 10 MRSA §1673, sub-§2, ¶B, as enacted by PL 1991, c. 836, §3, is amended to read:

~~B. Within 60 days of the effective date of this chapter, and every 60 days thereafter, a~~ A refiner shall file annually with the Department of the Attorney General a list showing any changes in the number and location of retail outlets controlled by the refiner during the preceding 60 days year.

Sec. 4. 10 MRSA §1673, sub-§2, ¶C, as enacted by PL 1993, c. 46, §2, is amended to read:

~~C. A refiner or its affiliate shall provide reports annually to the Department of the Attorney General in a manner, frequency, time and form specified by rule by the Attorney General, but at no greater frequency than 4 times per year, setting forth the total gallons of home heating oil and motor fuel oil supplied by the refiner to each retail outlet controlled by the refiner under its control during any portion of the reporting period and the total gallons of home heating oil and motor fuel oil sold by the refiner or its affiliate from a bulk storage facility or depot directly to any end user for consumption in the State.~~

Sec. 5. 10 MRSA §1673, sub-§3, as amended by PL 1999, c. 151, §1, is repealed.

Sec. 6. 10 MRSA §1677, as enacted by PL 1991, c. 836, §3, is amended to read:

§1677. Report by Attorney General to Legislature

Annually by December 31st, the Attorney General shall make a report to the Legislature describing

the concentration of retail outlets in the State or in sections of the State without disclosing the name of any particular retailer or retail outlet. The Attorney General shall include in the annual report a recommendation to the Legislature as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets. In formulating a legislative recommendation, the Attorney General shall consult with industry stakeholders; notwithstanding this consultation requirement, the substance of the recommendation is a matter for the Attorney General's sole discretion.

Sec. 7. 10 MRSA §1678, as amended by PL 2001, c. 352, §6, is repealed.

Sec. 8. 10 MRSA §1681, as amended by PL 1999, c. 151, §2, is further amended to read:

§1681. Fees

Annually by September 1st, a person who operates or causes to be operated an oil terminal facility within the State, as defined in Title 38, section 542, subsection 7, and a person who is required to register with the Commissioner of Environmental Protection pursuant to Title 38, section 545-B, shall pay to the Attorney General a fee for each 10,000 gallons of home heating oil and motor fuel oil transported into the State during the previous 12-month period ending June 1st. Home heating oil or motor fuel oil that is subsequently exported from the State is excluded from computation, except that home heating oil sold to a retailer or retail outlet located outside the State that sells home heating oil at retail within the State is not excluded. The fee that must be paid by September 1, 1996 and for each subsequent year is 40¢ for each 10,000 gallons or portion thereof. The fees must be deposited in a dedicated, nonlapsing account, known as the Petroleum Marketing Fund. The Attorney General shall administer the fund. ~~This section is repealed September 1, 2005.~~

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

Effective May 20, 2005.

CHAPTER 156

H.P. 938 - L.D. 1355

An Act To Prohibit Unfair Charges in Mobile Home Parks

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

Sec. 1. 10 MRSA §9097, sub-§3, as amended by PL 1993, c. 180, §1, is further amended to read:

3. Fees. The owner of a mobile home park or the owner's agents may not charge any fees to tenants other than charges for rent, utilities, reasonable incidental service charges, entrance fees or security deposits, unless otherwise provided for in the original lease or agreement. The owner of a mobile home park or the owner's agents may not charge any entrance fee, regardless of what that fee is called, to a tenant who is moving into a mobile home currently in the mobile home park that is greater than 2 times the amount of the monthly rent.

Sec. 2. 10 MRSA §9097-C is enacted to read:

§9097-C. Penalties for late payment of rent

The owner of a mobile home park or the owner's agents may assess a penalty against a tenant for late payment of rent under this section.

1. Late payment. A payment of rent is late if it is not made within 15 days from the time the payment is due.

2. Maximum penalty. The owner of a mobile home park or the owner's agents may not assess a penalty for the late payment of rent that exceeds 4% of the amount due for one month.

3. Notice in writing. The owner of a mobile home park or the owner's agents may not assess a penalty for the late payment of rent unless the owner of a mobile home park or the owner's agents gives the tenant written notice at the time the owner of a mobile home park or the owner's agents and tenant enter into the rental agreement that a penalty, up to 4% of one month's rent, may be charged for the late payment of rent.

See title page for effective date.

CHAPTER 157

H.P. 218 - L.D. 293

**An Act To Ensure Financial Solvency
in Maine's Air and Wastewater
Licensing Programs**

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

Sec. 1. 38 MRSA §569-A, sub-§8, ¶A, as amended by PL 2001, c. 605, §1, is further amended to read:

A. Administrative expenses, personal services and equipment costs of the department related to the administration and enforcement of this subchapter, except that total disbursements for personal services may not exceed ~~\$2,900,000~~ \$3,700,000 per fiscal year; multiplied by an annual adjustment factor of 4% beginning in fiscal year ~~2002-03~~ 2005-06;

Sec. 2. Gasoline station compliance inspection plan and report. The Department of Environmental Protection shall prepare and implement a plan to train program personnel to conduct cross-media compliance inspections of gasoline stations. The department also shall prepare a report regarding the feasibility and advisability of conducting a pilot program using state-certified inspectors to conduct gasoline station compliance inspections. If appropriate, the report must describe how the pilot program will be implemented. The Commissioner of Environmental Protection shall submit the report to the Joint Standing Committee on Natural Resources no later than February 3, 2006.

Sec. 3. One-time fee for general permit coverage for industrial storm water discharges. Until September 30, 2006, the Department of Environmental Protection may assess a one-time fee of up to \$350 for general permit coverage for industrial storm water discharges.

Sec. 4. Report. The Department of Environmental Protection shall prepare a report on the fees assessed for general permit coverage for industrial storm water discharges pursuant to section 3 of this Act. The report must include an examination of:

1. The fee assessed for each industry category;
2. The fees, if any, that should be assessed after September 30, 2006;
3. Whether additional categories of industries should be assessed the fee;
4. Whether the fee should be assessed based on the industrial activity performed; and
5. Whether public entities should be assessed the fee.

The Commissioner of Environmental Protection shall submit the report to the Joint Standing Committee on Natural Resources no later than January 30, 2006. The Joint Standing Committee on Natural Resources may report out legislation dealing with fees for general permit coverage for industrial storm water discharges to the Second Regular Session of the 122nd Legislature.

See title page for effective date.
