

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2005**

public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the Maine potato industry or segments of the industry.

**Sec. 5. 36 MRSA §4606, first ¶**, as amended by PL 1995, c. 702, §2 and affected by §4, is further amended to read:

Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, must be transferred to the board in its capacity as an independent agency on a monthly basis and used for all activities of the board authorized under this chapter. The board shall pay a sum to the State Tax Assessor representing the actual cost incurred by the State in collecting the taxes, except that the sum paid to the State Tax Assessor for collecting taxes may not be greater than 5% of the total tax collected annually. Notwithstanding section 4603, subsection 1, money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, must be allocated or appropriated to the board by the Legislature.

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

Effective May 20, 2005.

## CHAPTER 177

### H.P. 316 - L.D. 431

#### **An Act To Allow Certain Unregistered All-terrain Vehicles To Participate in Special Events in the State**

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

**Whereas,** it is necessary that this legislation take effect immediately in order to allow nonresident all-terrain vehicle users to participate in special events in the State this spring and summer; 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 §13155, sub-§1-A, ¶A**, as enacted by PL 2003, c. 655, Pt. B, §406 and affected by §422, is amended to read:

A. The following exceptions apply.

(1) Registration is not required for an ATV operated on land on which the owner lives or on land on which the owner is domiciled, as long as the ATV is not operated elsewhere within the jurisdiction of the State.

(2) Registration is not required for an ATV operated by a commercial ski area for the purpose of packing snow or for rescue operations on the commercial ski area, unless the ATV is required to cross a public way during that operation.

(3) An ATV owned and operated in the State by the Federal Government, the State or a political subdivision of the State is exempt from registration fees but must be registered and is required to display registration numbers.

(4) An ATV registration for the farm use specified in Title 29-A, section 501, subsection 8, paragraph E is not required for a vehicle registered with the Secretary of State under Title 29-A, section 501, subsection 8.

(5) An ATV registered in another state or in a Canadian province may be operated without being registered pursuant to this section at a special event organized to occur in this State if the special event organizer submits a request in writing to the commissioner 60 days prior to the special event and provides the commissioner with a map of the trails to be used during the special event and the commissioner approves the request.

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

Effective May 20, 2005.

## CHAPTER 178

### H.P. 715 - L.D. 1030

#### **An Act To Strengthen Certain Student Support Services within the Maine Community College System**

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

**Sec. 1. 5 MRSA §12004-G, sub-§26-A**, as enacted by PL 1993, c. 392, §1, is repealed.

**Sec. 2. 20-A MRSA §12731**, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

**§12731. Administration and purpose**

The Maine Community College System in cooperation with the Department of Education ~~and the Department of Labor~~ is authorized to provide comprehensive administrative and financial services to the Maine Career Advantage program, a nonprofit corporation organized under the laws of the State of Maine to provide an additional education option, through a partnership between business and education, for high school students and young adults to obtain classroom instruction and on the job training that prepares them directly for career related employment or continued education to assist high school students in making a successful transition from secondary school to college and careers through a combination of scholarships, college transition assistance, career exploration and planning services and internships. The ~~sole~~ purpose of the Maine Career Advantage program, referred to in this chapter as "the program," is to assist the Maine Community College System, public secondary schools and other publicly supported educational institutions in the State ~~in~~ by providing a combination of academic learning and structured work based learning at businesses in the State to students enrolled at Maine Community College System facilities, public secondary schools or other publicly supported educational institutions additional resources and support for students who have not traditionally gone on to higher education and who may need assistance in developing educational and career goals and in pursuing those goals.

The Maine Community College System is authorized to receive and administer on behalf of the program any grants, fees, charges, appropriations and other funds from whatever source. The program shall retain its name unless and until the Board of Trustees of the Maine Community College System authorizes a change in the program name.

**Sec. 3. 20-A MRSA §12732, sub-§1**, as enacted by PL 1993, c. 392, §2, is amended to read:

**1. Education and training.** To provide a ~~sequential~~ higher education and training program that enhances opportunities for youth in this State to become highly skilled and productive members of the work force;

**Sec. 4. 20-A MRSA §12733**, as amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is repealed and the following enacted in its place:

**§12733. Activities**

To assist the State in increasing higher education attainment and developing a skilled workforce, the program shall provide career and college transition services to young adults who are not currently enrolling in higher education and who could benefit from enrolling in a community college. These services may include scholarships, internships and other work-based learning experiences; career exploration and planning; assistance in completing the community college application and financial aid processes; academic planning; and information related to continuing higher education beyond the certificate, diploma and associate degree levels, consistent with the student's educational and career objectives. These services must be provided either directly by the program or through referrals to other programs and services available within the Maine Community College System or by other education and service providers. To participate in any of these services, young adults must be enrolled in a public secondary school or a state community college or have recently completed a public secondary education program. The program shall provide those activities and services that best serve the goals of the program as defined in this chapter and the needs of students and the State and that are consistent with the Maine Community College System's goals and resources.

**Sec. 5. 20-A MRSA §12734**, as amended by PL 1995, c. 515, §3, is repealed.

See title page for effective date.

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**CHAPTER 179**

**S.P. 173 - L.D. 547**

**An Act To Extend the Number of Days Nonprofit Organizations Are Allowed To Operate Games of Chance**

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

**Whereas**, many nonprofit organizations hold carnivals and fairs at which games of chance are operated as a means to raise money for the nonprofit organization; and

**Whereas**, current law restricts to 2 days the length of time that a nonprofit organization may operate a game of chance, which places an undue burden on those organizations that operate their fund-raising activities for more than 2 days; and