

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

B. The applicant has the ability to repay the loan.

Sec. 6. 10 MRSA §376, sub-§3, as enacted by PL 2003, c. 99, §2, is amended to read:

3. Transportation assistance. For the purpose set forth in section 377, ~~subject to the limitations set forth in that section. This subsection is repealed June 30, 2005.~~

Sec. 7. 10 MRSA §377, as enacted by PL 2003, c. 99, §3, is amended to read:

§377. Loans for transportation assistance program

The board may award loans for the purpose of assisting persons with disabilities to purchase used vehicles necessary to obtain or retain employment or employment training, subject to the following limitations.

1. Qualifications of borrower. A loan may be made under this section only to a qualifying borrower who meets the other requirements of this chapter and who demonstrates a need for a vehicle as part of an individualized plan toward employment developed with a state or community-based organization that provides employment services to persons with disabilities and that is approved by the board.

~~**2. Limitation on loan amount.** Loans made under this section may not exceed \$7,000 per qualifying borrower.~~

3. Aggregate amount of loans. The maximum aggregate amount of loans ~~made issued~~ under this section may not exceed ~~\$250,000 in fiscal year 2003-04 and \$250,000 in fiscal year 2004-05~~ 7% of the value of program gross notes receivable.

~~**4. Repeal.** This section is repealed June 30, 2005.~~

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

Effective May 20, 2005.

CHAPTER 192

H.P. 615 - L.D. 864

An Act To Streamline Sewer District Borrowing and Amend Laws Governing Water District Borrowing To Ensure Consistency

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 to immediately clarify the authority of a water district to hold a referendum outside the territory of that district when the usual voting place is located outside the territory of the district; 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. 35-A MRSA §6413, first ¶, as enacted by PL 1995, c. 616, §10, is amended to read:

Prior to issuing on behalf of a standard district any bond, note or other evidence of indebtedness payable within a period of more than 12 months after the date of issuance, the trustees shall propose a debt limit for the standard district that the trustees must submit for approval in a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the standard district's registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular workday preceding the election. The question presented must conform to one of the following forms:

Sec. 2. 35-A MRSA §6413-A, 2nd ¶, as enacted by PL 2003, c. 147, §3, is amended to read:

If a water district chooses to increase its debt limit pursuant to this section, the governing body of the water district shall propose a new debt limit and submit the proposal for approval at a districtwide referendum within the district. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must conform to the following form:

"Do you favor changing the debt limit of the (insert name of district) from (insert current debt limit) to (insert proposed debt limit)?"

Sec. 3. 38 MRSA §1256 is enacted to read:

§1256. Sewer districts; authority to increase debt limits

1. Debt limit. Notwithstanding any provision of its charter to the contrary, a sewer district may increase its debt limit by referendum in accordance with this section. A sewer district is not required to use the procedure provided by this section and may seek to increase its debt limit by any other lawful means, including pursuant to any other means described in its charter or by seeking legislative amendment to its charter.

2. Referendum. If a sewer district chooses to increase its debt limit pursuant to this section, the governing body of the sewer district shall propose a new debt limit and submit the proposal for approval at a districtwide referendum. The referendum must be called, advertised and conducted according to the law relating to municipal elections, except the registrar of voters is not required to prepare or the clerk to post a new list of voters. The referendum may be held outside the territory of the district if the usual voting place for persons located within the district is located outside the territory of the district. For the purpose of registering voters, the registrar of voters must be in session on the regular work day preceding the election. The question presented must be in substantially the following form:

"Do you favor changing the debt limit of the (insert name of district) from (insert current debt limit) to (insert proposed debt limit)?"

The voters shall indicate by a cross or check mark placed against the word "Yes" or "No" their opinion on the question.

The results must be declared by the governing body of the district and entered upon the district's records. Due certificate of the results must be filed by the clerk with the Secretary of State.

3. Approval. A debt limit proposal becomes effective upon its acceptance by a majority of the legal voters within the district voting at the referendum. Failure of approval by the majority of voters voting at the referendum does not prevent subsequent referenda from being held for the same purpose. The costs of referenda are borne by the district.

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

Effective May 20, 2005.

CHAPTER 193

H.P. 728 - L.D. 1075

An Act To Expand the Items That May Be Sold by Malt Liquor and Wine Licensees

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

Sec. 1. 28-A MRSA §1201, sub-§7, ¶A, as repealed and replaced by PL 1987, c. 342, §104, is amended to read:

A. Includes:

- (1) Tobacco products;
- (2) Newspapers;
- (3) Greeting cards;
- (4) Paper products;
- (5) Cut flowers and potted flowers;
- (5-A) Glasses, stemware, china and devices designed to open containers of wine and beer;
- (6) A stock of foodstuffs and other consumable products used on the premises in the preparation of food for consumption on or off the premises; and
- (7) Other items equally compatible with a stock of malt liquor or wine; and

See title page for effective date.

CHAPTER 194

H.P. 521 - L.D. 726

An Act To Require Legislative Review of Rules Governing Private Schools

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

Sec. 1. 20-A MRSA §204 is enacted to read:

§204. Rules