

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

SECOND SPECIAL SESSION

July 29, 2005

SECOND REGULAR SESSION

January 4, 2006 to May 24, 2006

THE GENERAL EFFECTIVE DATE FOR

SECOND SPECIAL SESSION

NON-EMERGENCY LAWS IS

OCTOBER 28, 2005

THE GENERAL EFFECTIVE DATE FOR

SECOND REGULAR SESSION

NON-EMERGENCY LAWS IS

AUGUST 23, 2006

**PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.**

Penmor Lithographers

Lewiston, Maine

2006

1. Eligibility. The following persons are eligible for cost-share funds:

A. A licensed forester who has obtained independent 3rd-party certification or recertification as a forest resource manager in order that the forester's client landowners may obtain the benefits accruing from such certification;

B. A landowner who owns 1,000 acres or less of forest land statewide and has obtained independent 3rd-party certification or recertification for the land; and

C. A group of landowners who have collectively obtained 3rd-party certification or recertification for their land as long as some or all of the landowners own 1,000 acres or less.

2. Maximum amount of cost-share funds distributed. The amount of cost-share funds distributed to a person eligible for reimbursement under subsection 1, paragraph A or B may not exceed 50% of the cost of obtaining independent 3rd-party certification.

The maximum amount of cost-share funds distributed to a group of landowners eligible for reimbursement under subsection 1, paragraph C is calculated by multiplying the number of landowners in the group who own 1,000 acres or less of forest land by 50% of the cost of obtaining independent 3rd-party certification and dividing the product by the total number of landowners in the group.

For the purposes of this subsection, "cost of obtaining independent 3rd-party certification" means the fee paid to an external auditor to complete the certification process.

3. Repayment required. A licensed forester, landowner or group of landowners that accepts cost-share funds in accordance with this chapter but that fails to retain certification for the full certification period shall repay the full amount of the cost-share funds received to the bureau. The bureau may impose a reasonable interest rate on the amount of the funds to be repaid. The bureau shall deposit all repayments and interest received under this subsection into the fund.

4. Forms. The bureau shall provide application forms for licensed foresters, landowners and groups of landowners seeking cost-share funds pursuant to this chapter.

See title page for effective date.

CHAPTER 514

H.P. 1303 - L.D. 1863

An Act To Permit Supplemental Environmental Projects for Forest Practices Violations

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

Sec. 1. 12 MRSA §8870, sub-§4, as enacted by PL 2003, c. 694, §1, is repealed.

Sec. 2. 12 MRSA §8870, sub-§5 is enacted to read:

5. Supplemental environmental projects. In settling a civil enforcement action for any violation of this subchapter or any rule adopted under this subchapter, the parties may agree to a supplemental environmental project that mitigates not more than 80% of the assessed penalty. "Supplemental environmental project" means an environmentally beneficial project primarily benefiting the public health or the environment that a violator is not otherwise required or likely to perform.

A. An eligible supplemental environmental project is limited to the following categories:

(1) Environmental enhancement projects in the same ecosystem or geographic area of the violation that significantly improve an area beyond what is required to remediate any damage caused by the violation that is the subject of the enforcement action;

(2) Community forestry projects in the same ecosystem or geographic area of the violation that are conducted in accordance with the purposes of section 8705;

(3) Environmental awareness projects substantially related to the violation that provide training, publications or technical support to members of the public and that are regulated by the Department of Conservation; or

(4) Scientific research and data collection projects that advance the scientific basis on which regulatory decisions are made.

B. A supplemental environmental project may not be used in the following situations:

(1) Repeat violations of the same or a substantially similar law administered by the Department of Conservation by the same person;

- (2) When a project is required by law;
- (3) If the violator had previously planned and budgeted for the project;
- (4) To offset any calculable economic benefit of noncompliance;
- (5) If the violation is the result of reckless or intentional conduct; or
- (6) If the project primarily benefits the violator.

Any settlement that includes a supplemental environmental project must provide that expenditures are not tax deductible.

See title page for effective date.

CHAPTER 515

S.P. 755 - L.D. 1965

An Act To Ensure the Ability of Municipalities To Provide Assistance to Their Citizens

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

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to ensure the ability of municipalities to provide assistance to their citizens; 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. 30-A MRSA §5721-A, sub-§4, as enacted by PL 2005, c. 2, Pt. C, §1 and affected by §§3 and 5 and c. 12, Pt. WW, §16, is amended to read:

4. Adjustment for new state funding. If the State provides net new funding to a municipality for existing services funded in whole or in part by the property tax levy, other than required state mandate funds pursuant to section 5685 that do not displace current property tax expenditures, the municipality shall lower its property tax levy limit in that year in an amount equal to the net new funds. For purposes of this subsection, "net new funds" means the amount of funds received by the municipality from the State in

that fiscal year, with respect to services funded in whole or in part by the property tax levy, less the product of the following: the amount of such funds received in the prior fiscal year multiplied by the growth limitation factor described in subsection 3. "Net new funds" does not include changes in state funding for general assistance under Title 22, section 4311 if those changes are the result of the operation of the formula for calculation of state funding under that section but does include changes in funding that are the result of a statutory change in the formula for calculation of state funding under that section. If a municipality receives net new funds in any fiscal year for which its property tax levy limit has not been adjusted as provided in this subsection, the municipality shall adjust its property tax levy limit in the following year in an amount equal to the net new funds.

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

Effective March 28, 2006.

CHAPTER 516

H.P. 1246 - L.D. 1806

An Act To Clarify Maine State Retirement System Benefits for Certain Legislators

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

Sec. 1. 3 MRSA §801, sub-§1, as amended by PL 2001, c. 657, §1 and PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

1. Membership mandatory. Every Legislator serving in the Legislature on or after December 3, 1986, is a member of the Maine Legislative Retirement System, except that any Legislator who is a member of the Maine State Retirement System on December 2, 1986, may continue to be a member of that system instead of becoming a member of the Maine Legislative Retirement System, and any Legislator who is a public school teacher or an employee of the Maine Community College System on leave of absence for the purpose of serving in the Legislature continues to be a member of the Maine State Retirement System and to have contributions deducted from the member's legislative earnable compensation as provided by Title 5, section 17701. ~~A Legislator who is the recipient of a retirement allowance from the Maine State Retirement System becomes a member of the Maine Legislative Retirement System, but no~~ terminates employment from a