

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

(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.

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## 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.

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## 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

position requiring membership in the Maine State Retirement System no longer contributes to the Maine State Retirement System and, if qualified, is eligible to become a benefit recipient under Title 5, section 17804. Upon such termination, the Legislator becomes a member of the Maine Legislative Retirement System. No creditable service granted under the Maine State Retirement System may be transferred to the Maine Legislative Retirement System. A member ceases to be a member when the member withdraws the member's contributions, becomes a beneficiary as a result of the member's own retirement or dies.

See title page for effective date.

## CHAPTER 517

S.P. 652 - L.D. 1698

### An Act To Continue the Tourism Cooperative Marketing Fund

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

**Sec. 1.** 5 MRSA §13090-J, sub-§6, as amended by PL 2003, c. 198, §16, is repealed.

See title page for effective date.

## CHAPTER 518

H.P. 1360 - L.D. 1919

### An Act To Amend the Laws Governing Real Estate Appraiser Licensing To Comply with Federal Law

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

**Sec. 1.** 32 MRSA §14027, sub-§1, as enacted by PL 2005, c. 262, Pt. D, §5, is amended to read:

**1. Requirement.** As a prerequisite to renewal of a license, an applicant must have completed the minimum hour requirements for continuing education in programs or courses approved by the board and as set by the appraiser ~~qualification~~ qualifications board, which must include a 7-hour national uniform standards of professional appraisal practice update course. For purposes of this section, the board may establish, by rule, a core educational requirement.

**Sec. 2.** 32 MRSA §14030, sub-§3 is enacted to read:

**3. Repeal.** This section is repealed January 1, 2008.

**Sec. 3.** 32 MRSA §14031, sub-§3 is enacted to read:

**3. Repeal.** This section is repealed January 1, 2008.

**Sec. 4.** 32 MRSA §14032, sub-§3 is enacted to read:

**3. Repeal.** This section is repealed January 1, 2008.

**Sec. 5.** 32 MRSA §14033, sub-§5 is enacted to read:

**5. Repeal.** This section is repealed January 1, 2008.

**Sec. 6.** 32 MRSA §14035 is enacted to read:

#### **§14035. Certified general real property appraiser**

**1. Scope of license.** A certified general real property appraiser license entitles the holder to appraise all types of real property.

**2. Professional qualifications.** An applicant for a certified general real property appraiser license must meet the licensing requirements promulgated by the appraiser qualifications board. Each applicant must:

A. Hold a bachelor's or higher degree from an accredited college or university or have successfully passed 30 semester credit hours in the following college-level subject matter courses from an accredited college, junior college, community college or university:

- (1) English composition;
- (2) Microeconomics;
- (3) Macroeconomics;
- (4) Finance;
- (5) Algebra, geometry or higher mathematics;
- (6) Statistics;
- (7) Introduction to computers, word processing and spreadsheets;
- (8) Business or real estate law; and
- (9) Two elective courses in accounting, geography, agricultural economics, business management or real estate.