

# 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**

A. "Qualified project" means a business project that meets the criteria set forth in subsection 4 conducted by a qualified industry.

B. "Qualified industry" means a for-profit corporation, limited liability company, partnership, registered limited liability partnership, sole proprietorship, business trust or any other entity, inside or outside the State, that is engaged in or will engage in a qualified project.

**2. Establishment.** The Pine Tree Recreation Zone is established to expand recreational opportunities and encourage tourism and economic development in areas adjacent to and located within the State's natural resources in the central and northern regions of the State.

**3. Designation of zone.** The Pine Tree Recreation Zone is that area of the State that is north and east of the Androscoggin River.

**4. Project eligibility.** A business project is eligible to qualify for Pine Tree Recreation Zone benefits if the project:

A. Is located within the Pine Tree Recreation Zone and is in a labor market area with a population density of less than 30 people per square mile according to the last Federal Decennial Census; and

B. Derives at least 50% of its business from sustainable recreational or agricultural tourism activities that involve the use of available natural resources and provides at least one of the following services:

(1) Accommodations;

(2) Guiding or instructional services; and

(3) The sale or rental of equipment for use in canoeing, kayaking, hunting, fishing, sailing, whitewater rafting, hiking, wildlife photography, snowmobiling, dog sledding, snowshoeing, downhill or cross-country skiing, camping activities or other similar nature-based tourism activities.

**5. Administration; rules.** The Commissioner of Economic and Community Development shall administer this subchapter and shall adopt rules for the implementation of this subchapter. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. The commissioner is authorized to adopt rules setting forth the process by which qualified projects may apply for funding from grants and loans, including loans administered by the Finance Authority of Maine through its economic recovery loan program.

**Sec. 2. Development of strategic plan.** The Department of Economic and Community Development shall convene at least 4 meetings with representatives of departments and stakeholder associations to gather information on the most effective methods for attracting, retaining and developing natural resource-based industries and nature-based tourism in central and northern Maine, as well as to structure the eligibility criteria and benefit structure for Pine Tree Recreation Zone program participants and qualified projects. The Department of Economic and Community Development shall include in these meetings the Department of Agriculture, Food and Rural Resources, the Department of Conservation, the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources and statewide associations that have an interest in nature-based tourism in central and northern Maine and in farming and agricultural tourism. The Commissioner of Economic and Community Development shall use this information to develop a strategic plan for attracting, retaining and expanding new and existing natural resource-based industries and nature-based tourism in central and northern Maine that must include a proposal for program benefits using loans and state grant programs. The commissioner shall report by February 15, 2007 to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters on the details of this strategic plan for the Pine Tree Recreation Zone. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters is authorized to report out legislation on the strategic plan to the First Regular Session of the 123rd Legislature.

**Sec. 3. Effective date.** That section of this Act that enacts the Maine Revised Statutes, Title 30-A, chapter 206, subchapter 5 takes effect January 1, 2008.

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

Effective April 10, 2006, unless otherwise indicated.

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## CHAPTER 556

H.P. 468 - L.D. 635

### An Act Relating to Community Sanitary Districts

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

**Sec. 1. 30-A MRSA §5403, sub-§§12 and 13,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

**12. Loans and grants.** Accept from any authorized agency of the Federal Government or the State loans or grants for the planning, construction or acquisition of any revenue-producing municipal facility or part of a revenue-producing municipal facility; enter into agreements with that agency concerning any such loans or grants; and receive and accept aid and contributions from any source of money, property, labor or other things of value, to be held, used and applied only for the purposes for which such loans, grants and contributions may be made; ~~and~~

**13. General powers.** Do all acts and things necessary or convenient to carry out the powers expressly granted in this chapter; ~~and~~

**Sec. 2. 30-A MRSA §5403, sub-§14** is enacted to read:

**14. Community septic systems.** As a means of facilitating compact growth patterns, including cluster developments, construct, maintain and operate a sewer system that is composed of one or more subsurface wastewater collection, treatment and disposal systems. The municipality may construct such a sewer system in anticipation of the establishment of a community sanitary district under Title 38, chapter 11-A, to which the municipality will transfer the system pursuant to Title 38, section 1232. For purposes of this subsection, "cluster development" has the same meaning as in section 4301, subsection 1-A.

**Sec. 3. 38 MRSA §1101-A** is enacted to read:

#### **§1101-A. Fees**

The commissioner may establish reasonable application fees for processing applications for the formation of districts under this chapter or chapter 11-A. The commissioner shall place these fees into a nonlapsing dedicated revenue account, and funds from the account may be used by the department or the board only to pay costs associated with processing applications for the formation of districts under this chapter or chapter 11-A.

**Sec. 4. 38 MRSA c. 11-A** is enacted to read:

### **CHAPTER 11-A**

### **COMMUNITY SANITARY DISTRICTS**

#### **§1231. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Cluster development.** "Cluster development" has the same meaning as in Title 30-A, section 4301, subsection 1-A.

**2. Community sanitary district.** "Community sanitary district" or "district" means a district formed under this chapter to manage one or more subsurface wastewater collection, treatment and disposal systems to accommodate residential development as a means of facilitating compact growth patterns, including cluster developments.

#### **§1232. Formation; expansion**

A community sanitary district is formed in the same manner as a sanitary district under chapter 11, except that the board may not approve an application pursuant to section 1101, subsection 3 unless the board finds that:

**1. Facilitate compact growth.** Creation of the district will facilitate cluster developments or other compact growth patterns;

**2. Adequate and efficient.** The district will provide for the creation of an adequate and efficient means of collecting, conveying, pumping, treating and disposing of domestic sewage within the proposed district; and

**3. Feasibility and public interest.** Creation and maintenance of a wastewater collection, treatment and disposal system by the district will be administratively feasible and promote the public health, safety and welfare.

The boundaries of a community sanitary district may be expanded in accordance with section 1162.

#### **§1233. Municipal system; transfer of assets to district**

A municipality that, pursuant to Title 30-A, section 5403, subsection 14 or any other authority, including home rule authority, has constructed a sewer system that is composed of one or more subsurface wastewater collection, treatment and disposal systems shall, after the establishment of a district pursuant to this section to serve the area where that sewer system is located, sell, transfer and convey to the district by appropriate instruments, and the district shall acquire, all properties, assets, rights and privileges identified by the municipality as related to that sewer system in consideration of the assumption by the district of any outstanding debts, obligations and liabilities identified by the municipality as related to that sewer system, including, without limitation, any outstanding notes or

bonds identified by the municipality as related to that sewer system that are due on or after the date of the transfer of the sewer system. If any debts, obligations, notes or bonds identified by the municipality are not assumable, the district is obligated for their repayment. The municipality shall identify to the board in the application submitted pursuant to section 1101 all properties, assets, rights, privileges, debts, obligations and liabilities related to the sewer system that are required to be transferred to or assumed by the district under this section.

The municipality and the district by mutual agreement may arrange for the transfer of any other assets or liabilities that the municipality and the district determine necessary or appropriate to allow the district efficiently and effectively to carry out its purposes under this chapter.

### **§1234. Powers**

Except as provided in this section, a community sanitary district has the powers, privileges and duties and is subject to the requirements and restrictions of a sanitary district under chapter 11.

**1. Powers.** A community sanitary district may, within the district, construct, operate and maintain one or more subsurface wastewater disposal systems in accordance with rules adopted pursuant to Title 22, section 42, subsection 3 and applicable municipal ordinances. A district may contract for necessary and appropriate services, including, but not limited to, pumping and disposal services, and do any or all other things necessary or incidental to accomplish the purposes of the district.

**2. Limited purposes.** A community sanitary district may exercise powers granted under this chapter only for the limited purpose of providing subsurface wastewater collection, treatment and disposal services to accommodate residential development.

A. A community sanitary district may not provide services to nonresidential users.

B. The provisions of section 1160 apply only to residential buildings.

**3. Certain powers not available.** The following provisions relating to sanitary districts do not apply to a district formed under this chapter:

A. Section 1103, relating to transfer of municipal property and assets;

B. Section 1151, relating to certain sanitary district powers;

C. Section 1151-A, relating to certain enforcement powers;

D. Sections 1152, 1152-A, 1153 and 1154, relating to powers of eminent domain; and

E. Section 1157, relating to certain contracting powers.

See title page for effective date.

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## **CHAPTER 557**

**H.P. 1187 - L.D. 1679**

### **An Act To Amend the Procedures Used in Criminal Proceedings Involving Victims with Developmental Disabilities**

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

**Sec. 1. 15 MRSA §1205**, as amended by PL 1989, c. 401, Pt. B, §1, is further amended to read:

#### **§1205. Certain out-of-court statements made by minors or persons with developmental disabilities describing sexual contact**

A hearsay statement made by a person under the age of 16 years or a person with a developmental disability as defined in Title 5, section 19503, subsection 3, describing any incident involving a sexual act or sexual contact performed with or on the minor or person by another, ~~shall~~ may not be excluded as evidence in criminal proceedings in courts of this State if:

##### **1. Mental or physical well-being of a person.**

On motion of the attorney for the State and at an in camera hearing, the court finds that the mental or physical well-being of that person will more likely than not be harmed if that person were to testify in open court; and

##### **2. Examination and cross-examination.**

Pursuant to order of court made on such a motion, the statement is made under oath, subject to all of the rights of confrontation secured to an accused by the Constitution of Maine or the United States Constitution and the statement has been recorded by any means approved by the court, and is made in the presence of a judge or justice.

See title page for effective date.

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