

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) The property is located within a market area for which the labor market unemployment rate is greater than the state unemployment rate at the time of the application; or

(2) The property is included within a county in which the average weekly wage is below the state average weekly wage at the time of the application.

In the case of a multijurisdictional or joint application, the requirements of this paragraph are met if the combined unemployment rate of the cooperating units of local government meets the requirements of subparagraph (1) or the average weekly wage of the cooperating units of local government, on a per-employed-worker basis, meets the requirements of subparagraph (2); and

See title page for effective date.

CHAPTER 651

H.P. 1376 - L.D. 1964

An Act To Assist Visually Impaired Persons and Persons with Disabilities in Obtaining Information Regarding Current Events

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

Sec. 1. 27 MRSA §40 is enacted to read:

§40. Accessible electronic information services

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Accessible electronic information service" means news and other information, including but not limited to newspapers, provided to eligible individuals from a multistate service center using high-speed computers and telecommunications technology for interstate acquisition of content and rapid distribution in a form appropriate for use by such individuals.

B. "Eligible individuals" means blind, visually impaired or disabled individuals who are eligible for library loan services through the Library of Congress and the National Library Service for the Blind and Physically Handicapped pursuant to 36 Code of Federal Regulations, Section 701.10(b).

C. "Qualified entity" means an agency, instrumentality or political subdivision of the State or a nonprofit organization that:

(1) Provides interstate access for eligible individuals to read daily newspapers through producing audio or Braille editions by computer;

(2) Obtains electronic news text either over the Internet or through direct transfer arrangements made with participating news organizations; and

(3) Provides a means of program administration and reader registration on the Internet.

2. Provision of service. The State Librarian may enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible individuals. If an agreement is entered into, the State Librarian may make use of federal and other funds available for this purpose.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

LIBRARY, MAINE STATE

Maine State Library 0217

Initiative: Provides funds for provision of accessible electronic information services.

GENERAL FUND	2005-06	2006-07
All Other	\$0	\$5,000
GENERAL FUND TOTAL	\$0	\$5,000

See title page for effective date.

CHAPTER 652

S.P. 716 - L.D. 1799

An Act To Exempt Trail-grooming Equipment from the Personal Property Tax

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this Act proposes a property tax exemption effective April 1, 2006; and

Whereas, it is necessary for this Act to take effect as soon as possible to avoid administrative complications and confusion; 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. 36 MRSA §655, sub-§1, as amended by PL 2003, c. 414, Pt. B, §49 and affected by c. 614, §9, is further amended to read:

1. Personal property.

A. Industrial inventories including raw materials, goods in process and finished work on hand;

B. Stock-in-trade, including inventory held for resale by a distributor, wholesaler, retail merchant or service establishment. "Stock-in-trade" also includes an unoccupied manufactured home, as defined in Title 10, section 9002, subsection 7, paragraph A or C, that was not previously occupied at its present location, that is not connected to water or sewer and that is owned and offered for sale by a person licensed for the retail sale of manufactured homes pursuant to Title 10, chapter 951, subchapter H 2;

C. Agricultural produce and forest products, including logs, pulpwood, woodchips and lumber;

D. Livestock, including farm animals, neat, cattle and fowl;

E. The household furniture, including television sets and musical instruments of each person in any one household; and his wearing apparel, farming utensils and mechanical tools necessary for his business;

F. All radium used in the practice of medicine;

G. Property in the possession of a common carrier while in interstate transportation or held en route awaiting further transportation to the destination named in a through bill of lading;

H. Vessels built, in the process of construction, or undergoing repairs, which are within the State on the first day of each April and are owned by persons residing out of the State. "Vessels" as used in this paragraph shall not be construed to include pleasure vessels and boats;

I. Pleasure vessels and boats in the State on the first day of each April whose owners reside out of the State, and which are left in this State by the owners for the purpose of repair or storage, except those regularly kept in the State during the preceding year;

J. Personal property in another state or country and legally taxed there;

K. Vehicles exempt from excise tax in accordance with section 1483;

L. Registered snowmobiles as defined in Title 12, section 13001, subsection 25;

M. All farm machinery used exclusively in production of hay and field crops to the aggregate actual market value not exceeding \$10,000, excluding motor vehicles. Motor vehicle shall mean any self-propelled vehicle;

N. Water pollution control facilities and air pollution control facilities as defined in section 656, subsection 1, paragraph E;

O. All beehives;

P. All items of individually owned personal property with a just value of less than \$1,000, except:

(1) Items used for industrial or commercial purposes; and

(2) Vehicles and camp trailers as defined in section 1481 not subject to an excise tax; ~~and~~

S. Mining property as provided in section 2854; and

T. Trail-grooming equipment registered under Title 12, section 13113.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES,
DEPARTMENT OF**

**Snow Grooming Property Tax Exemption Reimbursement
(new)**

Initiative: Provides funds to reimburse municipalities 50% of the property tax revenue loss as a result of the exemption for snow grooming equipment registered with the Department of Inland Fisheries and Wildlife.

GENERAL FUND	2005-06	2006-07
All Other	\$0	\$18,565
GENERAL FUND TOTAL	\$0	\$18,565

Sec. 3. Retroactivity. This Act applies retroactively for purposes of determining the taxable status of property on or after April 1, 2006.

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

Effective May 30, 2006.

CHAPTER 653

S.P. 737 - L.D. 1936

An Act To Improve the Oral Health of Maine's Children

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

Sec. 1. 20-A MRSA §6454 is enacted to read:

§6454. Oral health assessments

The commissioner shall cooperate with the Commissioner of Health and Human Services in implementing a grant program developed in accordance with Title 22, section 2128 to increase the provision of oral health assessments for children entering elementary school. A child whose parent objects in writing to an oral health assessment on religious grounds may not be assessed.

Sec. 2. 22 MRSA §2128 is enacted to read:

§2128. Grant program to promote oral health assessments and care for children

The commissioner, in consultation with the Commissioner of Education, shall administer a grant program to promote oral health assessments of children entering elementary school and facilitate the provision of care for those students identified as in need of dental services.

1. Eligibility for grants. A nonprofit organization may apply for a grant by submitting an application as requested by the commissioner to demonstrate that the applicant:

A. Has entered into a memorandum of understanding with a school administrative unit to provide oral health assessments;

B. Is able to provide dental care or secure dental care through an identified dental care provider to a child identified as needing dental care within 6 months of the assessment date; and

C. Has the capacity to record and compile data identified by the commissioner as necessary to monitor and evaluate the grant program.

2. Children served. A recipient of a grant shall contract with a school administrative unit to provide oral health assessments to children entering kindergarten or as soon as practicable upon a child's initial enrollment in an elementary school. A recipient of a grant shall provide assessments and necessary dental services to children who are eligible for MaineCare or members of MaineCare and to children who do not have insurance for dental care.

3. Duties of commissioner. The commissioner, in consultation with the Commissioner of Education, shall develop:

A. A process for reviewing applications and selecting grant recipients;

B. Criteria for prioritizing geographic areas to be served;

C. Standards for oral health assessments conducted under this section, including, but not limited to, the qualifications of the dental professional conducting the assessment and the equipment used and steps included in an assessment;

D. Guidelines for the types of dental disease or abnormality that when detected indicate a need for dental care within 6 months of the assessment date;

E. A prevention and educational component to be incorporated into the assessments; and

F. A program evaluation process and measures for assessing the impact and effectiveness of the grant program.

4. Administration. The commissioner may contract for administration of the grant program or components of the grant program.

5. Fund established. The Maine School Oral Health Fund is established as a dedicated, nonlapsing fund within the department. The commissioner may accept funds from any public or private source for the purposes of awarding grants and administering the grant program under this section.