

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-THIRD LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 6, 2006 to June 21, 2007**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 20, 2007**

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

---

---

**Penmor Lithographers**  
**Lewiston, Maine**  
**2007**

companying the applicant must provide the name and address of the licensed driver who accompanied the applicant for the majority of the 35 hours of driving. The Secretary of State may complete the certification for an applicant at least 18 years of age and who has no parent, stepparent, guardian, spouse or employer if the applicant provides the name and address of the licensed driver who accompanied the applicant for the majority of the 35 hours of driving.

A person 21 years of age or older is not required to submit certification of driving time to the Secretary of State.

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

Effective February 13, 2007.

---

---

**CHAPTER 3**

**S.P. 196 - L.D. 604**

**An Act To Clarify the Confirmation Process of the Director of the Maine Emergency Management Agency**

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

**Whereas,** the 122nd Legislature had determined that the appointment of the Director of the Maine Emergency Management Agency should be confirmed by the Legislature; and

**Whereas,** the language regarding the confirmation requirement was inadvertently dropped from the final legislation approved by the 122nd Legislature; and

**Whereas,** presently, an appointee is awaiting confirmation as the Director of the Maine Emergency Management Agency and needs to undergo the confirmation process; and

**Whereas,** the confirmation process needs to be clarified to allow the appointee to be confirmed; 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. 37-B MRSA §704, first ¶,** as amended by PL 2005, c. 634, §11, is further amended to read:

The Maine Emergency Management Agency, as previously established and in this chapter called the "agency," is under the supervision of the Director of the Maine Emergency Management Agency, who in this chapter is called the "director." The director must be qualified by education, training or experience in managing emergencies or in the emergency management profession and is appointed by the Governor upon recommendation of the commissioner, subject to review by the joint standing committee of the Legislature having jurisdiction over the Department of Public Safety and confirmation by the Legislature. The director serves at the pleasure of the Governor.

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

Effective February 14, 2007.

---

---

**CHAPTER 4**

**H.P. 262 - L.D. 327**

**An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2007**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Supplemental allocations.** There are allocated from the various funds for the fiscal year ending June 30, 2007, to the departments listed, the following sums.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Buildings and Grounds Operations 0080**

Initiative: Provides funding for anticipated increased costs relating to new utility rate contracts beginning in 2007 when kilowatt charges are expected to be double the current rate. It also provides funding for the increased cost in heating fuel based on previously negotiated contract rates.

HIGHWAY FUND	2006-07	2007-08	2008-09
All Other	\$129,741	\$0	\$0
HIGHWAY FUND TOTAL	\$129,741	\$0	\$0

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2006-07	2007-08	2008-09
HIGHWAY FUND	\$129,741	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$129,741	\$0	\$0

**PUBLIC SAFETY, DEPARTMENT OF State Police 0291**

Initiative: Provides funding for repairs and maintenance of State Police vehicles.

HIGHWAY FUND	2006-07	2007-08	2008-09
All Other	\$84,600	\$0	\$0
HIGHWAY FUND TOTAL	\$84,600	\$0	\$0

**State Police 0291**

Initiative: Provides funding for hiring law enforcement officers. Pursuant to the Maine Revised Statutes, Title

25, section 2808, the Maine State Police are required to reimburse local law enforcement agencies if officers sent by those agencies to the Maine Criminal Justice Academy are hired as State Troopers.

HIGHWAY FUND	2006-07	2007-08	2008-09
All Other	\$150,000	\$0	\$0
HIGHWAY FUND TOTAL	\$150,000	\$0	\$0

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Reduces funding needed to purchase 27 vehicles for the Commercial Vehicle Enforcement Unit since 20% will be paid by the Department of Public Safety and 80% will be paid by the Department of Transportation.

HIGHWAY FUND	2006-07	2007-08	2008-09
Capital Expenditures	(\$304,800)	\$0	\$0
HIGHWAY FUND TOTAL	(\$304,800)	\$0	\$0

**PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS**

DEPARTMENT TOTALS	2006-07	2007-08	2008-09
HIGHWAY FUND	(\$70,200)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$70,200)	\$0	\$0

**SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077**

Initiative: Provides funding for the increase for Office of Information Technology Bull mainframe costs.

HIGHWAY FUND	2006-07	2007-08	2008-09
All Other	\$188,981	\$0	\$0
HIGHWAY FUND TOTAL	\$188,981	\$0	\$0

**Administration - Motor Vehicles 0077**

Initiative: Provides funding for an approved reorganization that upgrades 3 Clerk IV positions to 3 Motor Vehicle Branch Manager I positions.

HIGHWAY FUND	2006-07	2007-08	2008-09
Personal Services	\$3,826	\$0	\$0
All Other	(\$3,826)	\$0	\$0

HIGHWAY FUND TOTAL	\$0	\$0	\$0
--------------------	-----	-----	-----

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS	2006-07	2007-08	2008-09
---	---------	---------	---------

<b>HIGHWAY FUND</b>	<b>\$188,981</b>	<b>\$0</b>	<b>\$0</b>
---------------------	------------------	------------	------------

DEPARTMENT TOTAL - ALL FUNDS	\$188,981	\$0	\$0
------------------------------	-----------	-----	-----

**TRANSPORTATION, DEPARTMENT OF Callahan Mine Site Restoration Z007**

Initiative: Provides funding for continued mitigation expenses of the Callahan Mine site.

OTHER SPECIAL REVENUE FUNDS	2006-07	2007-08	2008-09
All Other	\$1,000,000	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$1,000,000	\$0	\$0
-----------------------------------	-------------	-----	-----

**Fleet Services 0347**

Initiative: Provides funding for the increased cost of fuel.

FLEET SERVICES FUND - DOT	2006-07	2007-08	2008-09
All Other	\$2,600,766	\$0	\$0

FLEET SERVICES FUND - DOT TOTAL	\$2,600,766	\$0	\$0
---------------------------------	-------------	-----	-----

**Highway and Bridge Improvement 0406**

Initiative: Reduces funding for capital improvement projects based upon available resources.

HIGHWAY FUND	2006-07	2007-08	2008-09
Capital Expenditures	(\$14,000,000)	\$0	\$0

HIGHWAY FUND TOTAL	(\$14,000,000)	\$0	\$0
--------------------	----------------	-----	-----

**Island Ferry Service 0326**

Initiative: Provides funding for the increased cost of fuel for the Maine State Ferry Service.

ISLAND FERRY SERVICES FUND	2006-07	2007-08	2008-09
All Other	\$400,000	\$0	\$0

ISLAND FERRY SERVICES FUND TOTAL	\$400,000	\$0	\$0
----------------------------------	-----------	-----	-----

**Maintenance and Operations 0330**

Initiative: Provides funding for the increased cost of heating oil, diesel, salt and plow steel.

HIGHWAY FUND	2006-07	2007-08	2008-09
All Other	\$4,000,000	\$0	\$0

HIGHWAY FUND TOTAL	\$4,000,000	\$0	\$0
--------------------	-------------	-----	-----

**Marine Highway Transportation Z016**

Initiative: Provides funding for the increased cost of fuel for the Maine State Ferry Service.

HIGHWAY FUND	2006-07	2007-08	2008-09
All Other	\$400,000	\$0	\$0

HIGHWAY FUND TOTAL	\$400,000	\$0	\$0
--------------------	-----------	-----	-----

**Railroad Assistance Program 0350**

Initiative: Provides funding to correct negative allocation resulting from Public Law 2005, chapter 248.

OTHER SPECIAL REVENUE FUNDS	2006-07	2007-08	2008-09
All Other	\$20,000	\$0	\$0

OTHER SPECIAL REVENUE FUNDS TOTAL	\$20,000	\$0	\$0
-----------------------------------	----------	-----	-----

TRANSPORTATION, DEPARTMENT OF DEPARTMENT	2006-07	2007-08	2008-09
TOTALS			
HIGHWAY FUND	(\$9,600,000)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$1,020,000	\$0	\$0
FLEET SERVICES FUND - DOT	\$2,600,766	\$0	\$0
ISLAND FERRY SERVICES FUND	\$400,000	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$5,579,234)	\$0	\$0

HIGHWAY FUND	2006-07	2007-08	2008-09
Personal Services	\$14,840	\$0	\$0
All Other	(\$14,840)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF			
DEPARTMENT TOTALS	2006-07	2007-08	2008-09
HIGHWAY FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

SECTION TOTALS	2006-07	2007-08	2008-09
HIGHWAY FUND	(\$9,351,478)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$1,020,000	\$0	\$0
FLEET SERVICES FUND - DOT	\$2,600,766	\$0	\$0
ISLAND FERRY SERVICES FUND	\$400,000	\$0	\$0
SECTION TOTAL - ALL FUNDS	(\$5,330,712)	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077 Initiative: Reclassifications	2006-07	2007-08	2008-09
HIGHWAY FUND			
Personal Services	\$54,578	\$0	\$0
All Other	(\$54,578)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0
SECRETARY OF STATE, DEPARTMENT OF			
DEPARTMENT TOTALS	2006-07	2007-08	2008-09
HIGHWAY FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

**PART B**

**Sec. B-1. Supplemental allocations.** There are allocated from the various funds for the fiscal year ending June 30, 2007, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF  
Buildings and Grounds Operations 0080**  
Initiative: Reclassifications

TRANSPORTATION, DEPARTMENT OF Administration 0339 Initiative: Reclassifications	2006-07	2007-08	2008-09
HIGHWAY FUND			
Personal Services	\$64,091	\$0	\$0

All Other	(\$64,091)	\$0	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Fleet Services 0347**

Initiative: Reclassifications

FLEET SERVICES FUND - DOT	2006-07	2007-08	2008-09
Personal Services	\$3,968	\$0	\$0
All Other	(\$3,968)	\$0	\$0
<b>FLEET SERVICES FUND - DOT TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Highway and Bridge Improvement 0406**

Initiative: Reclassifications

HIGHWAY FUND	2006-07	2007-08	2008-09
Personal Services	\$62,892	\$0	\$0
All Other	(\$62,892)	\$0	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2006-07	2007-08	2008-09
Personal Services	\$43,588	\$0	\$0
All Other	(\$43,588)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Maintenance and Operations 0330**

Initiative: Reclassifications

HIGHWAY FUND	2006-07	2007-08	2008-09
Personal Services	\$97,803	\$0	\$0
All Other	(\$97,803)	\$0	\$0
<b>HIGHWAY FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

FEDERAL EXPENDITURES FUND	2006-07	2007-08	2008-09
---------------------------	---------	---------	---------

Personal Services	\$4,806	\$0	\$0
All Other	(\$4,806)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Public Transportation 0443**

Initiative: Reclassifications

FEDERAL EXPENDITURES FUND	2006-07	2007-08	2008-09
Personal Services	\$4,462	\$0	\$0
All Other	(\$4,462)	\$0	\$0
<b>FEDERAL EXPENDITURES FUND TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Suspense Receivable - Transportation 0344**

Initiative: Reclassifications

OTHER SPECIAL REVENUE FUNDS	2006-07	2007-08	2008-09
Personal Services	\$646	\$0	\$0
All Other	(\$646)	\$0	\$0
<b>OTHER SPECIAL REVENUE FUNDS TOTAL</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2006-07	2007-08	2008-09
---	---------	---------	---------

HIGHWAY FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
FLEET SERVICES FUND - DOT	\$0	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

SECTION TOTALS	2006-07	2007-08	2008-09
HIGHWAY FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
FLEET SERVICES FUND - DOT	\$0	\$0	\$0
SECTION TOTAL - ALL FUNDS	\$0	\$0	\$0

**PART C**

**Sec. C-1. Transfer from Personal Services to All Other and Capital Expenditures; Administration - Motor Vehicles.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, Personal Services balances in fiscal year 2006-07 in the Administration - Motor Vehicle program Highway Fund carrying account within the Department of the Secretary of State may be transferred to All Other and Capital Expenditures by financial order upon the recommendation of the State Budget Officer and approval of the Governor.

**PART D**

**Sec. D-1. PL 2005, c. 664, Pt. D, §1** is amended to read:

**Sec. D-1. Transfer of Highway Fund unallocated balance; capital program needs; Department of Transportation.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of fiscal years 2005-06 and 2006-07, the State Controller shall transfer amounts exceeding ~~\$1,000,000~~ \$100,000 from the unallocated balance in the Highway Fund after the deduction of all allocations, budgeted financial commitments, accounting adjustments considered necessary by the State Controller, other designated funds or any other transfer authorized by statute and the fiscal year 2005-06 unallocated balance dedicated to the fiscal year 2006-07 budgets to the Department of Transportation for capital needs in the Highway and Bridge Improvement and Maintenance and Operations programs. The Commissioner of Transportation is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. The transferred amounts are considered adjustments to allocations. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the members of the joint standing committee of the Legislature having jurisdiction over transportation matters a report

detailing the financial status of the department's capital program.

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

Effective March 13, 2007.

**CHAPTER 5  
H.P. 53 - L.D. 55**

**An Act To Amend the Law  
Regarding a License To  
Operate an Attended or  
Unattended Sales Promotion**

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

**Whereas,** many agricultural fairs and other agricultural events take place in the spring and summer seasons; and

**Whereas,** the support of any show, promotion, display or educational program conducted for the purpose of enhancing any aspect of Maine agricultural industries is important to the Legislature; 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. 29-A MRSA §957, sub-§3,** as amended by PL 2001, c. 361, §27, is further amended to read:

**3. Attended sales promotion.** The Secretary of State may issue to a dealer a ~~30-day license~~ 90-day permit to operate an attended sales promotion at one or more locations inside this State. A request for an attended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion ~~date~~ and must contain the proposed promotion ~~date and location~~ dates. The promotion ~~and any use of a location~~ must comply with applicable building codes and zoning and land use ordinances. A new vehicle dealer who requests a ~~license~~ permit under this subsection for a promotion involving new vehicles may not locate the promotion outside that dealer's area of responsibility as defined by the ~~dealer's~~ dealer's franchise agreement. A dealer who operates an attended sales promotion at an agricultural fair or other agricultural event is exempt from this subsection. An