

MAINE STATE LEGISLATURE

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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

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

equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for a ~~30-day~~ 90-day attended sales promotion license permit is ~~\$75 per location~~ \$150. The ~~license for a location permit~~ may be renewed ~~2 times~~ in a calendar year.

Sec. 2. 29-A MRSA §957, sub-§4, as amended by PL 2001, c. 361, §27, is further amended to read:

4. Unattended sales promotion. The Secretary of State may issue to a dealer a license permit to operate an unattended sales promotion. A request for an unattended sales promotion must be submitted to the Secretary of State at least 48 hours before the proposed promotion ~~date~~ and contain the proposed promotion ~~date and location~~ dates and, if applicable, a copy of a contract between the dealer and the promotion sponsor. 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 franchise agreement. An equipment dealer or trailer dealer is exempt from this subsection if the sales promotion does not include motor vehicles and does not exceed 90 continuous days. The fee for an unattended sales promotion is:

A. Fifty dollars if the promotion runs 7 days or less;

B. One hundred dollars if the promotion runs between 8 and 60 days; or

C. One hundred fifty dollars if the promotion runs more than 60 days.

Sec. 3. 29-A MRSA §957, sub-§5, as enacted by PL 1997, c. 437, §26, is amended to read:

5. Penalty. A person commits a Class E crime if that person conducts an activity authorized by a license or permit under this section without obtaining that license or permit.

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

Effective March 14, 2007

CHAPTER 6

S.P. 48 - L.D. 140

An Act To List the Shortnose Sturgeon as a Marine Endangered Species

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

Sec. 1. 12 MRSA §6975, sub-§7, as enacted by PL 2003, c. 573, §1, is amended to read:

7. Atlantic ridley turtle. Atlantic ridley turtle, *Lepidochelys kempii*, endangered; ~~and~~

Sec. 2. 12 MRSA §6975, sub-§8, as enacted by PL 2003, c. 573, §1, is amended to read:

8. Loggerhead turtle. Loggerhead turtle, *Caretta caretta*, threatened; ~~and~~

Sec. 3. 12 MRSA §6975, sub-§9 is enacted to read:

9. Shortnose sturgeon. Shortnose sturgeon, *Acipenser brevirostrum*, endangered.

See title page for effective date.

CHAPTER 7

S.P. 69 - L.D. 231

An Act To Modify the Laws Regarding Garnishment of Wages

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

Sec. 1. 9-A MRSA §5-105, sub-§2, as amended by PL 1995, c. 614, Pt. A, §5, is repealed and the following enacted in its place:

2. The maximum part of the aggregate disposable earnings of an individual for any workweek that is subjected to garnishment to enforce payment of a judgment arising from a consumer credit transaction may not exceed the lesser of:

A. Twenty-five percent of the individual's disposable earnings for that week; and

B. The amount by which the individual's disposable earnings for that week exceed 40 times the federal minimum hourly wage prescribed by Section 6(a)(I) of the Fair Labor Standards Act of 1938, 29 United States Code, Section 206(a)(I), or the state minimum wage prescribed by Title 26, section 664, whichever is higher, in effect at the time the earnings are payable.

In the case of earnings for a pay period other than a week, the administrator shall prescribe by rule a