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.

Sec. 2. Establishment of training program. The Department of Transportation shall establish a training program for all airport managers designated pursuant to the Maine Revised Statutes, Title 6, section 102, subsection 2, paragraph A within 90 days of the effective date of this Act.

See title page for effective date.

CHAPTER 77

H.P. 275 - L.D. 345

An Act To Clarify Recent Changes to the Laws Regulating Land Use Ordinances

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

Whereas, Public Law 2005, chapter 597 takes effect July 1, 2007, which is prior to the expiration of the 90-day period; and

Whereas, Public Law 2005, chapter 597 provides that local rate of growth ordinances must be based upon the number of building or development permits issued over the past 10 years; and

Whereas, the current language could be interpreted to mean all building permits, including permits for minor construction, and not just new residential dwellings; 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 §4360, sub-§3, ¶B, as enacted by PL 2005, c. 597, §3 and affected by §4, is amended to read:

B.   The ordinance sets the number of building or development permits for new residential dwellings, not including permits for affordable housing, at 105% or more of the mean number of permits issued for new residential dwellings within the municipality during the 10 years immediately prior to the year in which the number is calculated. The mean is determined by adding together the total number of permits issued for new residential dwellings for each year in the prior 10 years and then dividing by 10;

Sec. 2. 30-A MRSA §4360, sub-§3, ¶D, as enacted by PL 2005, c. 597, §3 and as affected by §4, is amended to read:

D.   The number of building or development permits for new residential dwellings allowed under the ordinance is recalculated every 3 years.

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

Effective May 8, 2007.

CHAPTER 78

S.P. 16 - L.D. 41

An Act Regarding Final Agency Action Subject to Appeal Pursuant to the Maine Workers' Compensation Act of 1992

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

Sec. 1. 39-A MRSA §360, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

3. Appeal. ~~Imposition of a penalty~~ A decision of the board under this section is deemed to be final agency action subject to appeal to the Superior Court, as provided in Title 5, chapter 375, subchapter ~~VII~~ 7. Notwithstanding Title 5, section 11004, execution of a penalty assessed under this section is stayed during the pendency of any appeal under this subsection. The Attorney General shall represent the board in any appeal under this subsection or the board may retain private counsel for that purpose.

See title page for effective date.

CHAPTER 79

S.P. 292 - L.D. 904

An Act To Make Technical and Supervisory Amendments to the Banking Laws

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

Sec. 1. 9-B MRSA §212, sub-§1, ¶A, as amended by PL 1995, c. 502, Pt. H, §4, is further amended to read:

A.   The superintendent may employ ~~a deputy superintendent~~ superintendents, subject to the com-