

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

(iii) Unforeseen circumstances not within the control of the appealing school administrative unit.

An extension granted by the commissioner beyond the 5-year maximum for state support is limited to a period of one year. Any additional request for extensions must be submitted and reviewed on an annual basis. The state board's commissioner's decision is final.

(b) A school administrative unit engaged with state-approved need for instructional space may engage in a lease-purchase agreement for temporary or interim ~~nonadministrative instructional~~ space is eligible for with state support for a maximum of ~~40~~ 5 years; and

(3) Permanent small ~~nonadministrative instructional~~ space that replaces ~~or is converted from~~ existing approved leased ~~portable temporary or interim instructional~~ space. The existing approved leased portable space will be eligible for state support until July 1, 2003. Permanent small instructional space consists of new buildings or additions to existing buildings that are secured to a permanent foundation. Once an existing leased portable temporary or interim instructional space has been converted into replaced by a permanent nonadministrative small instructional space through an approved lease purchase financing agreement, that space is eligible for state support for a maximum of 10 years.

The department shall adopt rules necessary to implement this paragraph. Rules adopted by the department to implement this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter 2-A; and

Sec. 4. 20-A MRSA §15672, sub-§2-A, ¶C, as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is amended to read:

C. The portion of the tuition costs applicable to the insured value factor for the base year computed under section 5806; and .

Sec. 5. 20-A MRSA §15672, sub-§2-A, ¶D, as enacted by PL 2005, c. 2, Pt. D, §36 and affected by §§72 and 74 and c. 12, Pt. WW, §18, is repealed.

See title page for effective date.

**CHAPTER 112
H.P. 401 - L.D. 523**

**An Act To Provide for
Enforcement of Land Use
Limitations Relating to
Cemeteries**

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

Sec. 1. 13 MRSA §1035 is amended to read:

§1035. Penalties

~~Whoever~~ Except as otherwise provided in this chapter, a person who fails to comply with or violates any of the provisions of this chapter in respect to the establishment, maintenance or operation of a cemetery, community mausoleum, crematory or columbarium; or to the disposal of dead human bodies shall, unless another penalty is provided under this chapter, be punished by a fine of not less than \$100 nor more than \$500, or by imprisonment for not more than 6 months, or by both commits a Class E crime except that, notwithstanding Title 17-A, section 1301, the fine may not be less than \$100 or more than \$500.

Sec. 2. 13 MRSA §1371-A, sub-§1, as enacted by PL 1991, c. 412, §2, is amended to read:

1. Known burial sites. Construction or excavation ~~in the area of~~ near a known burial site or within the boundaries of an established ~~graveyard cemetery~~ must comply with any applicable land use ordinance concerning burial sites or ~~graveyards~~ established cemeteries, whether or not the burial site or ~~graveyard~~ established cemetery is properly recorded in the deed to the property. In the absence of local ordinances, construction or excavation may not be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established ~~graveyard cemetery, whichever is the greater,~~ whether or not the burial site or ~~graveyard~~ established cemetery is properly recorded in the deed to the property, except when the construction or excavation is performed pursuant to a lawful order or permit allowing the relocation of bodies or when necessary for the construction of a public improvement, as approved by the governing body of a city or town or, in the case of a state highway, by the Commissioner of Transportation. A municipality may enforce this subsection or any local ordinance concerning burial sites or established cemeteries pursuant to Title 30-A, section 4452, including the assessment of civil penalties.

In the event of any violation of this subsection, the Attorney General may seek to enjoin a further violation, in addition to any other remedy.

Sec. 3. 13 MRSA §1371-A, sub-§3, as enacted by PL 1991, c. 412, §2, is amended to read:

3. **Application.** This section applies only to burial sites and ~~graveyards~~ established cemeteries containing the bodies of humans.

Sec. 4. 30-A MRSA §4452, sub-§5, ¶R, as amended by PL 2005, c. 240, §5, is further amended to read:

R. The laws pertaining to harbors in Title 38, chapter 1, subchapter 1, local harbor ordinances adopted in accordance with Title 38, section 7 and regulations adopted by municipal officers pursuant to Title 38, section 2; ~~and~~

Sec. 5. 30-A MRSA §4452, sub-§5, ¶S, as enacted by PL 2005, c. 240, §6, is amended to read:

S. Local ordinances and ordinance provisions regarding storm water, including, but not limited to, ordinances and ordinance provisions regulating nonstorm water discharges, construction site runoff and postconstruction storm water management, enacted as required by the federal Clean Water Act and federal regulations and by state permits and rules; ~~and~~

Sec. 6. 30-A MRSA §4452, sub-§5, ¶T is enacted to read:

T. Laws pertaining to limitations on construction and excavation near burial sites and established cemeteries in Title 13, section 1371-A and local ordinances and regulations adopted by municipalities in accordance with this section and section 3001 regarding those limitations.

See title page for effective date.

CHAPTER 113

H.P. 469 - L.D. 620

An Act Relating to Liquor Samples

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

Sec. 1. 28-A MRSA §1504 is enacted to read:

§1504. Samples of products

A person licensed under section 1502 as a sales representative for a distilled spirits manufacturer or supplier may give a retail licensee samples of distilled spirits under the following conditions.

1. Invoice required. The distilled spirits must be accompanied by an invoice.

2. Product registered. The distilled spirits must be listed by the commission for sale in this State and clearly labeled as a sample.

3. Taxes paid. Taxes must be paid on each item and the distilled spirits must be purchased from the State's wholesale liquor provider.

4. Sampling record. The sales representative who provides the sample shall maintain a log stating the names of the retail licensees who sampled the distilled spirits and the amount sampled.

5. Maximum sample. The maximum amount of samples of distilled spirits given to a retail licensee by a sales representative may not exceed 3 liters per year per distiller represented by that sales representative, and samples may not exceed one liter.

6. Samples removed. Distilled spirits samples given to an off-premises retailer must be removed from the premises to be sampled.

7. Records maintained. Records of samples given or received under this section must be maintained for a 2-year period by the retail licensee giving or receiving samples.

See title page for effective date.

CHAPTER 114

H.P. 526 - L.D. 695

An Act Concerning Applications Processed by the Maine Land Use Regulation Commission

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 provisions of this legislation must take effect immediately to provide the basis for a major substantive rule regarding the processing of applications by the Maine Land Use Regulation Commission; and

Whereas, the major substantive rule requires immediate enactment to record the Legislature's position on final adoption of the rule; 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. 12 MRSA §685-B, sub-§2, ¶B, as amended by PL 2005, c. 107, §1 and affected by §4, is further amended to read: