

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

Sec. 2. 22 MRSA §1542, sub-§2, ¶L, as amended by PL 2005, c. 223, §2, is further amended to read:

L. Smoking is not prohibited in a tobacco specialty store. The on-premises service, preparation or consumption of food or drink, if the tobacco specialty store is not licensed for such service or consumption prior to January 1, 2007, is prohibited in such a store. Smoking a waterpipe or hookah is prohibited in a tobacco specialty store that is newly licensed or that requires a new license after January 1, 2007.

See title page for effective date.

CHAPTER 181

H.P. 680 - L.D. 905

An Act To Amend the Maine Administrative Procedure Act To Strengthen Safeguards for Small Businesses

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

Sec. 1. 5 MRSA §8052, sub-§5-A, as enacted by PL 1989, c. 574, §4, is amended to read:

5-A. Impact on small business. In adopting rules, the agencies shall seek to reduce any economic burdens through flexible or simplified reporting requirements and may seek to reduce burdens through flexible or simplified timetables that take into account the resources available to the affected small businesses. The agency may consider clarification, consolidation, or simplification of compliance or reporting requirements. For the purposes of this subsection, "small business" means businesses that have 20 or fewer employees and gross annual sales not exceeding \$2,500,000.

Prior to the adoption of any proposed rule that may have an adverse impact on small businesses, the agency shall prepare an economic impact statement that includes the following:

A. An identification of the types and an estimate of the number of the small businesses subject to the proposed rule;

B. The projected reporting, record-keeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record;

C. A brief statement of the probable impact on affected small businesses; and

D. A description of any less intrusive or less costly, reasonable alternative methods of achieving the purposes of the proposed rule.

Sec. 2. 5 MRSA §8053, sub-§3, ¶D, as amended by PL 1985, c. 77, §2, is further amended to read:

D. If possible, contain the express terms of the proposed rule or otherwise describe the substance of the proposed rule, stating the subjects and issues involved and indicate where a copy of the proposed rule may be obtained; ~~and~~

Sec. 3. 5 MRSA §8053, sub-§3, ¶E, as enacted by PL 1985, c. 77, §2, is amended to read:

E. Refer to the substantive state or federal law to be implemented by the rules; and

Sec. 4. 5 MRSA §8053, sub-§3, ¶F is enacted to read:

F. Indicate where a copy of the statement of impact on small business pursuant to section 8052, subsection 5-A may be obtained.

Sec. 5. 5 MRSA §8057, sub-§1, as amended by PL 1985, c. 680, §5, is further amended to read:

1. Rules; exception. Rules adopted in a manner other than that prescribed by section 8052, subsections 1, 2, 3, 4, ~~5-A~~ and 7 and by ~~section~~ sections 8053 and 8054 ~~shall be~~ are void and of no legal effect, ~~provided~~ except that insubstantial deviations from the requirements of section 8053 ~~shall do~~ not invalidate the rule subsequently adopted. Rules in effect prior to July 1, 1978, ~~shall~~ become void and of no legal effect on July 1, 1979, unless originally adopted after notice published in a newspaper of general circulation in some area of the State and opportunity for hearing or unless adopted in accordance with ~~chapter 375~~, this subchapter H.

Sec. 6. 5 MRSA §8057-A, sub-§1, ¶D, as enacted by PL 1989, c. 574, §7, is amended to read:

~~D. An analysis of the rule, including a description of how the agency considers whether the rule would impose an economic burden on small business as described in section 8052, subsection 5-A.~~

See title page for effective date.

CHAPTER 182

H.P. 682 - L.D. 907

An Act To Ensure the Safety of Facilities Dispensing Flammable Liquids

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