

# 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.**

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

**Sec. 2. Findings.** The Legislature finds that:

1. The Penobscot Nation and the Passamaquoddy Tribe have inhabited the State as self-governing Indian tribal communities since long before the founding of this State and the United States and each tribe continues to maintain its own tribal government;

2. In keeping with native traditions and culture, the Penobscot Indian territory and the Passamaquoddy Indian territory are communal lands that are owned and held in perpetuity for the benefit of the members of the respective tribes; and

3. The communal ownership of the Penobscot Indian territory and the Passamaquoddy Indian territory deprives the respective tribal governments of the property tax revenues that are the financial foundation of the municipal governments of this State and makes the tribal governments critically dependent upon successfully developing a sustainable local economy.

See title page for effective date.

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**CHAPTER 190**

**H.P. 402 - L.D. 524**

**An Act To Establish the Fee for Commercial Inspections for Farm Trucks**

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

**Sec. 1. 29-A MRSA §1753, sub-§3,** as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

**3. Fee.** The Except as provided in this subsection, the fee for an inspection under this section is based on the inspector's normal hourly labor charge and is due whether or not the vehicle passes inspection. A licensed inspection station shall post the hourly labor charge in a conspicuous place.

The fee for an inspection under this section of a farm truck registered under section 505 is \$45. The inspection fee is payable whether the vehicle passes inspection or not.

See title page for effective date.

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**CHAPTER 191**

**H.P. 696 - L.D. 921**

**An Act To Allow a Landowner To Erect Installations in or near a State or State Aid Highway**

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

**Whereas,** this legislation will allow certain projects to proceed to address erosion control issues and these projects need to occur during this construction season; 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. 23 MRSA §1401-A,** as enacted by PL 2003, c. 452, Pt. L, §3 and affected by Pt. X, §2, is amended to read:

**§1401-A. Installations restricted**

**1. Installing of buildings or fixtures.** A Except as provided in subsection 1-A, a person may not install, erect or construct, or cause to be installed, erected or constructed, installations such as buildings, gasoline pumps or other fixtures; in, upon or near any state or state aid highway, located as follows:

A. Within the full width of the right-of-way of any state or state aid highway as laid out by the State, the county or the town;

B. Within 33 feet of the center line of any state or state aid highway. This paragraph does not apply to installations or other property in existence on August 6, 1949. The commissioner has discretion to waive the application of this paragraph to the reconstruction of a building in the general location of the previously existing building if the commissioner determines that highway safety and the public welfare will not be adversely affected; or

C. Within 20 feet from the outside edge of any of the paved portion of any state or state aid highway having more than 2 travel lanes and having a total paved portion in excess of 24 feet in width. This paragraph does not apply to installations or other property in existence on September 1, 1955.