

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

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.

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.

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.

1-A. Limited waiver. The commissioner may grant a person a written waiver of any of the provisions of subsection 1 and permit the construction of a fixture in, upon or near a state or state aid highway located in a municipality if:

A. The commissioner receives a written statement from the municipal officers requesting or supporting the waiver;

B. The posted speed limit where the construction will occur is no more than 35 miles per hour; and

C. The commissioner determines that highway safety and public welfare will not be adversely affected.

The commissioner may include in the waiver any conditions the commissioner determines necessary to ensure public safety and welfare. Violation of the terms of a waiver constitutes a violation of this section.

2. Penalties. The following penalties apply to violations of this section.

A. A person who violates this section commits a civil violation for which a fine of not less than \$5 and not more than \$500 may be adjudged.

B. After having been adjudicated as having violated paragraph A, a person who unlawfully maintains any installations such as buildings, gasoline pumps or other fixtures for 30 days after the adjudication is subject to an additional fine of not more than \$50 for each day such installations are maintained.

3. Application. This section does not apply to the installations or other property devoted to the public use of any public utility or district and underground pipelines.

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

Effective May 30, 2007.

CHAPTER 192

S.P. 461 - L.D. 1313

An Act To Amend the Solid Waste Management Laws

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

Sec. 1. 5 MRSA §12004-I, sub-§68-B is enacted to read:

68-B.

Natural Resources	Solid Waste Management Advisory Council	Expenses for Non- salaried and Non- paid Public Members Only	38 MRSA §2123-C
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Sec. 2. 38 MRSA §2101, sub-§2 is enacted to read:

2. Waste reduction and diversion. It is the policy of the State to actively promote and encourage waste reduction measures from all sources and maximize waste diversion efforts by encouraging new and expanded uses of solid waste generated in this State as a resource.

Sec. 3. 38 MRSA §2123-B, as amended by PL 1999, c. 527, §1, is repealed.

Sec. 4. 38 MRSA §2123-C is enacted to read:
§2123-C. Solid Waste Management Advisory Council

1. Solid Waste Management Advisory Council. The Solid Waste Management Advisory Council, referred to in this section as "the council," is established to advise and assist the office in reviewing, as may be appropriate:

A. State solid waste management policy, including the timeline and establishment process for the development of a state-owned solid waste disposal facility;

B. Host community benefits;

C. The development of commercial solid waste facilities and the economic competitiveness of commercial facilities;

D. The appropriateness of developing regional disposal facilities to better serve municipalities and businesses;

E. The continued development and expansion of beneficial reuse and recycling;

F. The proper role of municipal zoning and other local control in regard to siting, expansion and operation of solid waste disposal facilities; and

G. Other related matters as considered appropriate and necessary.

2. Membership. The Governor shall appoint 14 members of the council as follows:

A. Three members from the general public;

B. Two members from each of the following:

(1) Municipal government;