

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

**CHAPTER 207
S.P. 367 - L.D. 1115**

**An Act Concerning Licensure
as a Master Well Driller or a
Master Pump Installer**

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 needs to take effect before the expiration of the 90-day period in order to mitigate the hardship that would occur to certain businesses and persons if the waiver of the requirements concerning licensure as a master well driller or a master pump installer in exigent circumstances contained in this legislation did not take effect as soon as possible; 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. 32 MRSA §4700-I, sub-§5 is enacted to read:

5. Waiver. Notwithstanding this section, in cases in which the commission finds the presence of exigent circumstances, the commission may grant a waiver of the requirements of this section and may authorize:

A. A person who has 5 years or more of well drilling experience of at least 1,000 hours in each of those 5 years under the supervision of a master well driller to sit for the master well driller examination under subsection 4 and to be licensed as a master well driller; and

B. A person who has 5 years or more of pump installation experience of at least 350 hours in each of those 5 years under the supervision of a master pump installer to sit for the master pump installer examination under subsection 4 and to be licensed as a master pump installer.

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

Effective June 4, 2007.

**CHAPTER 208
H.P. 861 - L.D. 1180**

**An Act To Promote
Transportation Planning,
Increase Efficiency and Reduce
Sprawl**

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

Sec. 1. 23 MRSA §73-A is enacted to read:

§73-A. Transportation planning incentive funding

In order to further the purposes and policies of section 73 and Title 30-A, chapter 187, subchapter 2, encourage sound transportation planning and protect the integrity of regional transportation systems and thereby prevent or reduce the need for costly future capacity or retrofitting expenditures associated with unmanaged development along state transportation corridors, the department shall administer a program of transportation planning incentive funding as described in this section.

1. Community transportation plan. To be eligible for incentive funding under this section, a municipality, on its own or in collaboration with neighboring communities, must adopt a community transportation plan addressing the manner in which development along state transportation corridors in the municipality or municipalities is to occur and each municipality that adopts the plan must incorporate any land use development strategies recommended in the plan into its local ordinances. The community transportation plan and related policies, programs and ordinances must be designed to meet the objectives of the Sensible Transportation Policy Act and rules adopted pursuant to that Act and to the greatest practicable extent reduce the need to make costly transportation capacity and retrofitting improvements in the future. The department shall provide technical assistance to municipalities in developing community transportation plans through regional planning councils or other agencies or consultants designated by the department. For purposes of this section, "community transportation plan" means a transportation plan developed by one or more communities along a state transportation corridor, including but not limited to a community transportation plan that is part of a comprehensive plan developed pursuant to Title 30-A, chapter 187, subchapter 2 that is designed to strengthen the functional viability and lengthen the long-term life of state transportation corridors.

2. Transportation incentive funding. A municipality or a group of municipalities may apply for transportation incentive funding under this section by filing with the department a community transportation plan together with related policies, programs and ordinances, an application for incentive funding on a form

provided by the department and a proposal describing the transportation improvements for which the incentive funding will be used. The department shall authorize incentive funding amounts, within available funds, based on a competitive rating system established by the department by rule. The department shall publicize available funding at least biennially. Incentive funding must be commensurate with the merits of a plan and related policies, programs and ordinances and for an amount that does not exceed the estimated cost of the specific investment proposal. The projected transportation-related avoided costs from implementation of the community transportation plan must exceed the amount of the incentive funding as determined by the department in its rating system. A municipality must pay back to the department any incentive funding provided by the department under this section if the municipality repeals or revises its community transportation plan or related ordinance provisions within 10 years of receipt of the incentive funding, unless the repeal or revision is approved by the department.

3. Rules. The department shall adopt rules to implement this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Funding. The Department of Transportation shall solicit municipal incentive funding applications under the Maine Revised Statutes, Title 23, section 73-A beginning in fiscal year 2008-09 and shall identify suitable sources for providing incentive funding beginning in fiscal year 2010-11. Funding must be derived from funds available under the Department of Transportation's quality community initiative programs.

See title page for effective date.

CHAPTER 209

H.P. 864 - L.D. 1183

An Act To Clarify Public Safety Laws Regarding the Disclosure of Information and the Storage of Evidence, To Reauthorize the United States Secret Service To Enforce Certain State Laws and To Allow Designees To Serve on the Maine Communications System Policy Board

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

Sec. 1. 25 MRSA §1502-A, sub-§1, as amended by PL 2001, c. 602, §1, is further amended to read:

1. Definition. For purposes of this section, "federal officers" means the following persons who are authorized to carry firearms in the performance of their duties as federal law enforcement employees or officers:

~~A. Special Agents of the Immigration and Naturalization Service of the Department of Justice;~~

~~B. Immigration Inspectors, including Deportation Officers and Immigration Examiners when acting in the capacity of Immigration Inspectors of the Immigration and Naturalization Service of the Department of Justice;~~

~~C. Border Patrol Agents of the Immigration and Naturalization Service of the Department of Justice;~~

~~D. Officers of the United States Customs Service of the Department of the Treasury; and~~

E. Any of the officers listed in this subsection who are assigned to or are acting in concert with a task force, but only if that task force meets the following requirements:

(1) The task force is a task force of the Maine Drug Enforcement Agency authorized under this Title; or

(2) The task force is a joint federal-state task force operating primarily within the territorial boundaries of this State and:

(a) An arrest is part of or related to an investigation of that federal-state task force; or

(b) An arrest occurs in a prosecutorial district and either:

(i) The district attorney of that district or the district attorney's written designee actively participates in and oversees the activities of the task force; or

(ii) The arrest occurs anywhere within the State and the Attorney General or the Attorney General's written designee actively participates in and oversees the activities of the task force;

F. Special Agents of the United States Secret Service of the Department of Homeland Security; and

G. An officer of an agency of the United States Department of Homeland Security that has ad-