

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

CHAPTER 260
H.P. 886 - L.D. 1258

**An Act To Clarify the Laws
Governing Landowner
Liability**

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

Sec. 1. 14 MRSA §159-A, sub-§3, ¶C, as amended by PL 1993, c. 622, §1, is further amended to read:

C. Assume responsibility or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted even if that injury occurs on property of another person.

See title page for effective date.

CHAPTER 261
S.P. 119 - L.D. 375

**An Act To Amend the Family
Medical Leave Laws**

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

Sec. 1. 26 MRSA §843, sub-§4, as amended by PL 2001, c. 684, §§1 to 3, is further amended to read:

4. Family medical leave. "Family medical leave" means leave requested by an employee for:

- A. Serious health condition of the employee;
- B. The birth of the employee's child or the employee's domestic partner's child;
- C. The placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
- D. A child, domestic partner's child, parent, domestic partner or spouse with a serious health condition; or
- E. The donation of an organ of that employee for a human organ transplant.

Sec. 2. 26 MRSA §843, sub-§7 is enacted to read:

7. Domestic partner. "Domestic partner" means the partner of an employee who:

- A. Is a mentally competent adult as is the employee;

B. Has been legally domiciled with the employee for at least 12 months;

C. Is not legally married to or legally separated from another individual;

D. Is the sole partner of the employee and expects to remain so;

E. Is not a sibling of the employee; and

F. Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

See title page for effective date.

CHAPTER 262
S.P. 262 - L.D. 852

**An Act To Adjust the Levels of
the State's Dairy Stabilization
Program**

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 Maine dairy industry is essential to the State's rural economy and communities, generates business activity and preserves open space; and

Whereas, the stabilization of the dairy industry during temporary price drops constitutes a public purpose and an appropriate expenditure of state revenues; and

Whereas, the tiered dairy stabilization program has been successful in curbing the loss of dairy farms in the State; and

Whereas, the target prices in the tiered program need to be revised to reflect updated cost-of-production studies; 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. 7 MRSA §3153-B, sub-§3, as amended by PL 2005, c. 382, Pt. F, §34, is further amended to read:

3. Determination of target prices. The Maine Milk Commission shall establish 3 tiers of production,

each representing a range of annual production. The commission shall use the most recent studies conducted in accordance with section 2952-A, subsection 3, paragraph A to estimate the short-run break-even point within each tier.

The Maine Milk Commission may establish and amend target prices through rulemaking. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. Interim target prices. Beginning July 1, 2007 and until the Maine Milk Commission updates the Maine producer cost-of-production data and calculates new target prices in accordance with the Maine Revised Statutes, Title 7, section 3153-B, subsection 3, the target prices for milk producers in the State are as follows:

1. For the first 21,355 hundredweight produced per year by each producer, the target price is \$20.70 per hundredweight;
2. For production from 21,356 hundredweight to 49,079 hundredweight per year, the target price is \$18.07 per hundredweight; and
3. For production in excess of 49,079 hundredweight per year, the target price is \$17.29 per hundredweight.

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

Effective June 8, 2007.

CHAPTER 263

S.P. 235 - L.D. 768

An Act To Ensure That Pine Tree Development Zone Benefits Are Not Extended to Businesses That Compete with Existing Maine Businesses

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

Sec. 1. 30-A MRSA §5250-O, as enacted by PL 2003, c. 688, Pt. D, §2, is amended to read:

§5250-O. Certification of qualified business

A business may apply to the commissioner for certification as a qualified Pine Tree Development Zone business. Upon review and determination by the commissioner that a business is a qualified Pine Tree Development Zone business, the commissioner shall issue a certificate of qualification to the business that includes a description of the qualified business activity for which the certificate is being issued. Prior to is-

suing a certificate of qualification, the commissioner must find that the business activity will not result in a substantial detriment to existing businesses in the State. In order to make this determination, the commissioner shall consider those factors the commissioner determines necessary to measure and evaluate the effect of the proposed business activity on existing businesses, including whether any adverse economic effect of the proposed business activity on existing businesses is outweighed by the contribution to the economic well-being of the State. The State Economist must review applications under this section and provide an advisory opinion to assist the commissioner in making findings under this section.

See title page for effective date.

CHAPTER 264

S.P. 159 - L.D. 472

An Act To Clarify Land Planning in the Unorganized and Deorganized Townships of the State

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

Sec. 1. 12 MRSA §685-C, sub-§1, as amended by PL 1977, c. 694, §233, is further amended to read:

1. Comprehensive land use plan. ~~Not later than January 1, 1975 the~~ The commission shall adopt an official comprehensive land use plan for the unorganized and deorganized townships of the State.

~~Such plan shall guide the~~ The commission must use the plan as a guide in developing specific land use standards and delineating district boundaries and guiding development and generally fulfilling the purposes of this chapter.

The plan may consist of maps, data and statements of present and prospective resource uses ~~which~~ that generally delineate the proper use of resources, and recommendations for its implementation.

The commission ~~may~~ shall hold public hearings to collect information to be used in establishing the land use guidance plan. The public hearings ~~will~~ must be conducted according to commission rules adopted in accordance with procedures for the establishment of rules ~~and regulations~~ pursuant to Title 5, chapter 375, subchapter ~~H~~ 2.

The commission may, on its own motion or petition of any state agency or regional planning commission, hold such other hearings as ~~it may deem~~ the commission considers necessary from time to time for the purpose of obtaining information helpful in the deter-