

# 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**

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-

mination of its policies, the carrying out of its duties, or the formulation of its land use standards or rules ~~and regulations.~~

The commission ~~shall~~ may not adopt ~~no~~ a plan or portion of a plan, unless:

A. The tentative plan has been submitted to each regional planning commission and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days, ~~and~~

B. The tentative plan has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; ~~and~~

C. The commission has considered all such comments.

Upon adoption of the official land use plan by the commission, ~~the commission~~ shall submit the plan to the Governor for approval. The Governor shall approve or disapprove the plan, plans or any portion of a plan within 30 days of receipt. If the Governor fails to act, the plan ~~shall be~~ is deemed approved. This subsection ~~shall~~ also apply ~~applies~~ to any alteration in the comprehensive plan.

**Sec. 2. Presentation of the comprehensive land use plan for areas within the jurisdiction of the Maine Land Use Regulation Commission.** At least 30 days prior to a scheduled vote by the commission on final adoption, but in no case later than December 3, 2007, the Maine Land Use Regulation Commission shall submit to the Joint Standing Committee on Agriculture, Conservation and Forestry the most recent draft of the tentative comprehensive land use plan developed pursuant to the Maine Revised Statutes, Title 12, section 685-C, subsection 1. In addition to the draft plan, the commission shall provide an accompanying report that includes:

1. The reasons for periodic revisions to the comprehensive land use plan, both general and specific to the 2007 revisions;

2. A summary of public hearings held in accordance with the Maine Revised Statutes, Title 12, section 685-C, subsection 1, including dates, locations, number of people attending and information received;

3. The dates that the tentative plan was or is expected to be submitted to regional planning commissions, agencies and the Executive Department, State Planning Office in accordance with Title 12, section 685-C, subsection 1, paragraphs A and B; and, if already submitted, a summary of comments and recommendations received; and

4. The anticipated date for a vote on adoption of the plan by the commission.

The commission shall brief the committee on any anticipated changes to land use districts and subdistricts based on revisions in the comprehensive land use plan and a projected timetable for rulemaking to adopt these changes. If changes are made to the plan subsequent to the initial draft and report submitted under this section, the Maine Land Use Regulation Commission shall submit the revised plan to the Joint Standing Committee on Agriculture, Conservation and Forestry with clearly identified changes a minimum of 30 days prior to the commission's final vote on the plan.

See title page for effective date.

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**CHAPTER 265**

**S.P. 359 - L.D. 1107**

**An Act To Promote  
Compliance with the Workers'  
Compensation Laws**

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

**Sec. 1. 39-A MRSA §324, sub-§2**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**2. Failure to pay within time limits.** An employer or insurance carrier who fails to pay compensation, as provided in this section, is penalized as follows.

A. Except as otherwise provided by section 205, if an employer or insurance carrier fails to pay compensation as provided in this section, the board ~~shall~~ may assess against the employer or insurance carrier a ~~forfeiture fine~~ fine of up to \$200 for each day of noncompliance. If the board finds that the employer or insurance carrier was prevented from complying with this section because of circumstances beyond its control, ~~no forfeiture~~ a fine may ~~not~~ not be assessed.

(1) The ~~forfeiture fine~~ fine for each day of noncompliance must be divided as follows: Of each day's ~~forfeiture fine~~ fine amount, the first \$50 is paid to the employee to whom compensation is due and the remainder must be paid to the board and be credited to the Workers' Compensation Board Administrative Fund.

(2) If a ~~forfeiture fine~~ fine is assessed against any employer or insurance carrier under this subsection on petition by an employee, the employer or insurance carrier shall pay reasonable costs and attorney's fees related to the ~~forfeiture fine~~ fine, as determined by the board, to the employee.