

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

from the applicable licensing authority under section 2503. Included within this requirement is every person operating telephones or transmitting television signals by wire; every person that owns, controls, operates or manages any pipeline within or through this State for the transportation as a common carrier for hire of oil, gas, gasoline, petroleum or any other liquids or gases; every water utility and every person making, generating, selling, distributing and supplying gas or electricity; every water utility or sewer company, district or system privately or municipally owned; every municipally owned or operated fire alarm, police alarm or street lighting circuit or system; every cooperative organized under chapter 35; the University of Maine System, for purposes described in section 2301-A; and any other person engaged in telecommunications or the transmission of heat, or electricity.

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

Effective June 8, 2007.

CHAPTER 269

H.P. 1030 - L.D. 1468

An Act To Adjust the Milk Handling Fee

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 basic price of milk fluctuates and revised price projections are now available; and

Whereas, adjustment of the rates is needed to better reflect a wide range in potential prices; 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. 36 MRSA §4902, sub-§1, as enacted by PL 2005, c. 396, §8, is amended to read:

1. Fee. Upon notification by the Maine Milk Commission in accordance with Title 7, section 2954, subsection 16, the assessor shall levy and impose a fee at the rate established in subsection ~~2~~ 2-A on the handling in this State of packaged milk for sale in this State. With respect to the handling in this State of a particular container of packaged milk for sale in this

State, the fee must be paid by the handler. There is no fee on the handling in this State of packaged milk for sale in containers of less than one quart or 20 or more quarts in volume, or packaged milk that is sold to an institution that is owned and operated by the State or the Federal Government.

Sec. 2. 36 MRSA §4902, sub-§2, as enacted by PL 2005, c. 396, §8, is repealed.

Sec. 3. 36 MRSA §4902, sub-§2-A is enacted to read:

2-A. Rate. The rate of the fee levied under this chapter is established for each fee period on the basis of the basic price of milk in effect on the Sunday following the first Sunday of the fee period in accordance with this subsection:

A. If the basic price is \$24.00 per hundredweight and above, the rate of the milk handling fee is 0¢ per gallon;

B. If the basic price is \$23.00 to \$23.99 per hundredweight, the rate of the milk handling fee is 2¢ per gallon;

C. If the basic price is \$22.00 to \$22.99 per hundredweight, the rate of the milk handling fee is 4¢ per gallon;

D. If the basic price is \$21.00 to \$21.99 per hundredweight, the rate of the milk handling fee is 6¢ per gallon;

E. If the basic price is \$20.00 to \$20.99 per hundredweight, the rate of the milk handling fee is 8¢ per gallon;

F. If the basic price is \$19.00 to \$19.99 per hundredweight, the rate of the milk handling fee is 10¢ per gallon;

G. If the basic price is \$18.00 to \$18.99 per hundredweight, the rate of the milk handling fee is 12¢ per gallon;

H. If the basic price is \$17.50 to \$17.99 per hundredweight, the rate of the milk handling fee is 16¢ per gallon;

I. If the basic price is \$17.00 to \$17.49 per hundredweight, the rate of the milk handling fee is 20¢ per gallon;

J. If the basic price is \$16.50 to \$16.99 per hundredweight, the rate of the milk handling fee is 24¢ per gallon;

K. If the basic price is \$16.00 to \$16.49 per hundredweight, the rate of the milk handling fee is 28¢ per gallon;

L. If the basic price is \$15.50 to \$15.99 per hundredweight, the rate of the milk handling fee is 32¢ per gallon; and

M. If the basic price is \$15.00 to \$15.49 per hundredweight, the rate of the milk handling fee is 36¢ per gallon.

If the basic price falls below \$15.00 per hundredweight, for each 50¢ decrease in the basic price, the rate of the milk handling fee increases by 6¢ per gallon.

For any container other than a gallon, the fee is computed on a gallon-equivalent basis.

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

Effective June 8, 2007.

**CHAPTER 270
S.P. 103 - L.D. 320**

**An Act To Allow the Widening
of a Portion of the Maine
Turnpike**

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

Sec. 1. 23 MRSA §1965, sub-§1, ¶D, as amended by PL 1995, c. 341, §1, is further amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, except that the traveled way may not be widened or expanded beyond 3 lanes for each direction of travel from ~~Exit 1~~ the southern terminus of the turnpike to, and including, Exit 6A mile marker 53 and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature.

Except as provided in section 1965-A, a license, permit, or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transportation policy, as established in section 73, as well as rules implementing that policy;

Sec. 2. 23 MRSA §1965-B is enacted to read:

§1965-B. Widening of the turnpike between mile marker 44 and mile marker 53

1. Evaluation of reasonable alternatives. The authority shall complete an evaluation of reasonable alternatives to widening the turnpike to 3 lanes for each direction of travel in the corridor from mile marker 44 to mile marker 53. To evaluate reasonable alternatives, the authority shall complete an alternative

mode feasibility study that examines regional travel patterns and demographics and provides an inventory of existing transportation infrastructure and employer-based commuter programs in the turnpike corridor from mile 44 to mile 53.

In conducting the evaluation required by this subsection, the authority shall provide for public participation consistent with section 73 and the rules adopted pursuant to that section. Completion of the evaluation required by this subsection satisfies the alternative evaluation requirements of section 73 and of the rules adopted pursuant to that section.

2. Review of alternatives. Upon completing the evaluation required under subsection 1, the authority shall review the alternatives to determine whether the alternatives can meet identified transportation deficiencies or needs in a safe manner at a reasonable cost with available technology. If, based on the evaluation, the authority finds that the alternatives do not meet the identified deficiencies or needs:

A. A final license, permit or approval necessary for the widening or expansion of the turnpike may be issued by the appropriate state agency; and

B. The alternative evaluation and preference requirements of section 73 and rules adopted pursuant to that section are considered satisfied.

Sec. 3. 23 MRSA §1968, sub-§1, as amended by PL 2007, c. 59, §1, is further amended to read:

1. Turnpike revenue bonds. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution from time to time for the issuance of turnpike revenue bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, but not exceeding ~~\$461,000,000~~ \$486,000,000 in the principal amount at any one time outstanding exclusive of refundings, for any purpose described in section 1969, subsection 1.

See title page for effective date.

**CHAPTER 271
S.P. 713 - L.D. 1914**

**An Act To Extend the Time
Allowed for Outcome-based
Forestry**

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 seeks to extend the time during which the laws governing outcome-based forestry are in effect; and