

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

OTHER SPECIAL	\$18,361	\$25,958
REVENUE FUNDS TOTAL		

See title page for effective date.

**CHAPTER 404
H.P. 678 - L.D. 893**

**An Act To Exempt from Excise
Tax Maine Military Personnel
Who Are Serving Their Tours
of Duty in Maine**

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

Sec. 1. 36 MRSA §1483, sub-§14, as amended by PL 1995, c. 12, §2 and as affected by §4, is further amended to read:

14. Antique and experimental aircraft. Antique and experimental aircraft as defined in Title 6, section 3, subsections 10-A and 18-E and registered according to the provisions of Title 6; ~~and~~

Sec. 2. 36 MRSA §1483, sub-§15, as enacted by PL 1995, c. 12, §3 and as affected by §4, is amended to read:

15. Adaptive equipment. Adaptive equipment installed on a motor vehicle owned by a disabled person or the family of a disabled person to make that vehicle operable or accessible by a disabled person; and

Sec. 3. 36 MRSA §1483, sub-§16 is enacted to read:

16. Active military stationed in Maine. Vehicles owned by a person on active duty serving in the Armed Forces of the United States who is permanently stationed at a military or naval post, station or base in the State. A member of the Armed Forces of the United States stationed in the State who desires to register that member's vehicle in this State shall present certification from the commander of the member's post, station or base, or from the commander's designated agent, that the member is permanently stationed at that post, station or base. For purposes of this subsection, "a person on active duty serving in the Armed Forces of the United States" does not include a member of the National Guard or the Reserves of the United States Armed Forces.

Sec. 4. Effective date. This Act takes effect November 1, 2007.

Effective November 1, 2007.

**CHAPTER 405
H.P. 533 - L.D. 702**

**An Act To Allow
Municipalities To Establish
Foundations To Support
Education**

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

Sec. 1. 30-A MRSA §5652, first ¶, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

The municipal officers may accept a donation of money to the municipality to supplement a specific appropriation already made, to reduce the tax assessment, to endow a municipal education foundation pursuant to section 5724, subsection 10 or to reduce the permanent debt.

Sec. 2. 30-A MRSA §5652, sub-§2 is enacted to read:

2. Funding municipal education foundations. A municipality may accept endowment funds from citizens, estates, municipal contributions and bond money to fund a municipal education foundation to support local education pursuant to section 5724, subsection 10. The foundation may not spend the funds until it meets certain growth standards recommended by the Executive Department, State Planning Office.

Sec. 3. 30-A MRSA §5724, sub-§10 is enacted to read:

10. Municipal education foundations. A municipal education foundation is established with the assistance of the Executive Department, State Planning Office and must contain the following provisions.

A. The endowment of a municipal education foundation is funded by contributions by citizens, estates, municipalities and bond money if the foundation meets the Executive Department, State Planning Office standards pursuant to section 5652, subsection 2.

B. Trustees of a municipal education foundation must be citizens of the municipality and contain at least one member who is a teacher or administrator in the municipality's education system to be a liaison between the school system and the municipal education foundation.

Sec. 4. Executive Department, State Planning Office to create template. The Executive Department, State Planning Office shall create a template for municipalities to use in establishing municipal education foundations pursuant to the Maine Revised Statutes, Title 30-A, section 5724, subsection 10. The template must include:

1. Recommendations for the structure of the board and bylaws of the municipal education foundation;
2. Standards for a municipality to have reached in order to qualify for endowment funds from any dedicated bond proceeds to act as seed money of at least \$20,000 to begin the municipal education foundation; and
3. Recommendations of investment standards to the municipalities.

See title page for effective date.

CHAPTER 406

H.P. 1005 - L.D. 1431

An Act To Provide for the Protection of Communities That Host a Solid Waste Disposal Facility

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Sec. 1. 38 MRSA §1303-C, sub-§15-B is enacted to read:

15-B. Host community. "Host community" means any town, township or city that is the geographic site of a solid waste disposal facility or any immediately contiguous town, township or city if such town, township or city can demonstrate to the department that it incurs a direct financial impact related to any necessary development or maintenance of infrastructure or to any necessary provision of services as a result of the location or operation of that solid waste disposal facility.

Sec. 2. 38 MRSA §1310-N, sub-§9, as enacted by PL 1995, c. 465, Pt. A, §16 and affected by Pt. C, §2, is amended to read:

9. Host community agreements. The following provisions apply to an application for a license for a commercial solid waste disposal facility a solid waste disposal facility, except that this subsection does not apply to a facility owned by the State or to a facility described in section 1303-C, subsection 6, paragraphs E or F.

~~A. The department may not issue a license for a commercial solid waste disposal facility unless the applicant has demonstrated that it has: solid waste disposal facility unless a host community agreement is in place as described in this subsection.~~

- ~~(1) Complied with municipal ordinances requiring host community benefits;~~
- ~~(2) Negotiated in good faith with the municipality in which the facility is proposed to be located to formulate a host community agreement;~~
- ~~(3) Developed and will implement a host community agreement; or~~
- ~~(4) Renegotiated, if appropriate, the terms of an existing host community agreement.~~

A-1. A solid waste disposal facility must have in place a host community agreement with all applicable host communities during the development and operation and through closure of that facility, except that a solid waste disposal facility owned by a municipality that meets the provisions of section 1303-C, subsection 6, paragraph B is not required to have in place a host community agreement with the host community that is the geographic site of the facility. A host community agreement for the purposes of this section must, when applicable, include the provisions set forth in paragraph B, except that a host community agreement in effect prior to the effective date of this paragraph is not required to include the provisions set forth in paragraph B.

B. Based upon the nature, size and projected impacts of the proposed facility, host community agreements must, when applicable, include provisions regarding:

- (1) Improvement, maintenance and repair of local roads directly affected by traffic to and from the facility and of other infrastructural elements directly affected by the facility;
- (2) Development and maintenance of adequate local emergency response capacity to accommodate the facility;
- (3) Financial support for personnel or other means to provide technical assistance to the municipality in interpreting data and to advise the municipality on other technical issues concerning the facility; and
- (4) Other issues determined on a case-specific basis by the applicant and municipality to be appropriate given the nature of the proposed facility.

The department shall adopt rules concerning the expenditure of funds made available to a municipi-