

# 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**

**Sec. 5. 30-A MRSA §5225, sub-§1, ¶A**, as enacted by PL 2001, c. 669, §1, is amended to read:

A. Costs of improvements made within the tax increment financing district, including, but not limited to:

(1) Capital costs, including, but not limited to:

(a) The acquisition or construction of land, improvements, buildings, structures, fixtures and equipment for public, arts district or commercial use;

(b) The demolition, alteration, remodeling, repair or reconstruction of existing buildings, structures and fixtures;

(c) Site preparation and finishing work; and

(d) All fees and expenses that are eligible to be included in the capital cost of such improvements, including, but not limited to, licensing and permitting expenses and planning, engineering, architectural, testing, legal and accounting expenses;

(2) Financing costs, including, but not limited to, closing costs, issuance costs and interest paid to holders of evidences of indebtedness issued to pay for project costs and any premium paid over the principal amount of that indebtedness because of the redemption of the obligations before maturity;

(3) Real property assembly costs;

(4) Professional service costs, including, but not limited to, licensing, architectural, planning, engineering and legal expenses;

(5) Administrative costs, including, but not limited to, reasonable charges for the time spent by municipal employees in connection with the implementation of a development program;

(6) Relocation costs, including, but not limited to, relocation payments made following condemnation; and

(7) Organizational costs relating to the establishment of the district, including, but not limited to, the costs of conducting environmental impact and other studies and the costs of informing the public about the creation of development districts and the implementation of project plans;

**Sec. 6. 30-A MRSA §5225, sub-§1, ¶C**, as enacted by PL 2001, c. 669, §1, is amended to read:

C. Costs related to economic development, environmental improvements or employment training within the municipality, including, but not limited to:

(1) Costs of funding economic development programs or events developed by the municipality or funding the marketing of the municipality as a business or arts location;

(2) Costs of funding environmental improvement projects developed by the municipality for commercial or arts district use or related to ~~commercial~~ such activities;

(3) Funding to establish permanent economic development revolving loan funds or investment funds;

(4) Costs of services to provide skills development and training for residents of the municipality. These costs may not exceed 20% of the total project costs and must be designated as training funds in the development program; and

(5) Quality child care costs, including finance costs and construction, staffing, training, certification and accreditation costs related to child care; and

See title page for effective date.

**CHAPTER 414**

**S.P. 708 - L.D. 1908**

**An Act To Implement  
Recommendations of the Blue  
Ribbon Commission on Solid  
Waste Management**

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

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

**1-C. Bypass.** "Bypass" means any solid waste that is destined for disposal, processing or beneficial use at a solid waste facility but that cannot be disposed of, processed or beneficially used at that facility because of the facility's malfunction, insufficient capacity, inability to process or burn, downtime or any other comparable reason.

**Sec. 2. 38 MRSA §1310-N, sub-§1, ¶B**, as amended by PL 1995, c. 465, Pt. A, §13 and affected by Pt. C, §2, is further amended to read:

B. In the case of a disposal facility ~~other than a facility owned by the State~~, the facility provides a substantial public benefit, determined in accordance with subsection 3-A, except that this para-

graph does not apply to a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility; and

**Sec. 3. 38 MRSA §1310-N, sub-§11** is enacted to read:

**11. Waste generated within the State.** Consistent with the Legislature's findings in section 1302, a solid waste disposal facility owned by the State may not be licensed to accept waste that is not waste generated within the State. For purposes of this subsection, "waste generated within the State" includes residue and bypass generated by incineration, processing and recycling facilities within the State or waste, whether generated within the State or outside of the State, if it is used for daily cover, frost protection or stability or is generated within 30 miles of the solid waste disposal facility.

**Sec. 4. 38 MRSA §1310-AA, sub-§4**, as enacted by PL 1995, c. 465, Pt. A, §22 and affected by Pt. C, §2, is amended to read:

**4. Application.** This section does not apply to facilities described in section 1310-N, subsection 3-A, paragraph A or to facilities a facility owned by the State and in operation prior to June 1, 2007 or to an expansion of that facility.

**Sec. 5. 38 MRSA §1310-AA, sub-§5** is enacted to read:

**5. Modifications.** Public benefit determinations may be revised by the department if the department finds that a material change in the underlying facts or circumstances upon which a public benefit determination was based has occurred or is proposed, including, but not limited to, a change related to disposal capacity. The department may require the holder of a public benefit determination to submit an application for modification of that determination if the department finds that a change in the underlying facts or circumstances has occurred or is proposed.

**Sec. 6. Report.** By January 15, 2008, the Department of Environmental Protection shall submit to the Joint Standing Committee on Natural Resources a report on funding options for the State's solid waste management program based on the report dated March 2007 and titled "Report on Solid Waste Management Program Funding" that was submitted to the Joint Standing Committee on Natural Resources by the Department of Environmental Protection. The report must also include recommendations concerning potential sources of revenue from fees on the handling of construction and demolition debris, the production of construction and demolition debris wood fuel and the use of that wood fuel in the State sufficient to fund

monitoring and compliance activities at facilities producing, disposing of, beneficially using or otherwise handling construction and demolition debris.

See title page for effective date.

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## CHAPTER 415

### S.P. 714 - L.D. 1915

#### An Act To Protect Fair Share Workers from Termination

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

**Sec. 1. 26 MRSA §629**, as amended by PL 1983, c. 652, §5, is repealed and the following enacted in its place:

#### **§629. Unfair agreements**

**1. Work without compensation; return of compensation.** A person, firm or corporation may not require or permit any person as a condition of securing or retaining employment to work without monetary compensation or when having an agreement, oral, written or implied, that a part of such compensation should be returned to the person, firm or corporation for any reason other than for the payment of a loan, debt or advance made to the person, or for the payment of any merchandise purchased from the employer or for sick or accident benefits, or life or group insurance premiums, excluding compensation insurance, that an employee has agreed to pay, or for rent, light or water expense of a company-owned house or building. This section does not apply to work performed in agriculture or in or about a private home.

**2. Debt.** For purposes of this subchapter, "debt" means a benefit to the employee. "Debt" does not include items incurred by the employee in the course of the employee's work or dealing with customers on the employer's behalf, such as cash shortages, inventory shortages, dishonored checks, dishonored credit cards, damages to the employer's property in any form or any merchandise purchased by a customer.

**3. Penalty.** An employer is liable to an employee for the amount returned to the employer by that employee as prohibited in this section.

**4. Deduction of service fees.** Public employers may deduct service fees owed by an employee to a collective bargaining agent from the employee's pay, without signed authorization from the employee, and remit those fees to the bargaining agent, as long as:

A. The fee obligation arises from a lawfully executed and implemented collective bargaining agreement; and