

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

close. A list of the election clerks appointed by the ~~municipal officers~~ under this subsection must be posted at each voting place. Election clerks are entitled to a reasonable compensation as determined by the municipal officers.

Sec. 2. 21-A MRSA §503, sub-§2, as amended by PL 2003, c. 584, §4, is further amended to read:

2. Representation of parties. The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal, county or state committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may perform all the functions of an election clerk as prescribed by this Title.

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

If the municipal officers are unable to appoint a sufficient number of election clerks as set forth in paragraphs A, B and C, they may appoint any other registered voter, as long as the balance between major political parties is maintained. The municipal clerk shall complete a form provided by the Secretary of State when a registered voter changes party enrollment status in order to be available to serve as an election clerk and to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. The form must be included with all ballots separated into lots in accordance with section 695, subsection 2 when an election clerk who has changed party enrollment status as described in

this subsection made the count for that lot of ballots and with tabulation results submitted to the Secretary of State. By January 15th after a general election, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs the number of forms required by this subsection that were submitted with tabulation results and whether any election that resulted in a recount included ballots that were counted by an election clerk who changed party enrollment status as described in this subsection.

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

Effective June 27, 2007.

CHAPTER 423

H.P. 730 - L.D. 970

An Act to Repeal Delayed Estate Recovery

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

Sec. 1. 22 MRSA §14, sub-§2-I, ¶C-1, as enacted by PL 2005, c. 12, Pt. DDD, §9 and affected by §17, is repealed.

See title page for effective date.

CHAPTER 424

H.P. 368 - L.D. 484

An Act To Adjust the School Funding Formula with Regard to Unorganized Territories

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

Sec. 1. 20-A MRSA §3252, sub-§4, as repealed and replaced by PL 1985, c. 490, §3, is amended to read:

4. Tuition. The commissioner shall pay tuition for each tuition student in the amount approved as the receiving administrative unit's official tuition cost pursuant to section 5804 or 7302 ~~in an amount agreed upon between the commissioner and the school board of the unit.~~

Sec. 2. 20-A MRSA §3253-A, sub-§3, as amended by PL 1985, c. 603, §1 and PL 2005, c. 397, Pt. D, §3, is repealed and the following enacted in its place:

3. Tuition. Notwithstanding section 5805, subsection 2 and section 5809, the commissioner shall pay tuition for each tuition student in an amount equal to the official tuition rate approved pursuant to section 5805, subsection 1 for the receiving school for non-resident students enrolled in secondary schools or special education or career and technical education programs as long as the student maintains a satisfactory standard of department and scholarship. The commissioner shall pay tuition for each tuition student in an amount equal to the official tuition rate approved pursuant to section 7302 for the receiving school for non-resident students enrolled in special education programs, as long as the student maintains a satisfactory standard of department and scholarship.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**EDUCATION, DEPARTMENT OF
Education in Unorganized Territory 0220**

Initiative: Provides funds for the increase in the tuition rates authorized to pay to receiving school administrative units on behalf of tuition students from the unorganized territories.

GENERAL FUND	2007-08	2008-09
All Other	\$305,768	\$321,057
GENERAL FUND TOTAL	\$305,768	\$321,057

See title page for effective date.

**CHAPTER 425
H.P. 557 - L.D. 736**

**An Act To Require Notification
before Withdrawal of Land
from Classification under the
Maine Tree Growth Tax Law
for Failure To File Certain
Statements**

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. 36 MRSA §581, first ¶, as amended by PL 1991, c. 546, §8, is further amended to read:

If the assessor determines that land subject to this subchapter no longer meets the requirements of this subchapter, the assessor must withdraw the parcel from taxation under this subchapter. Before withdrawing a parcel from taxation under this subchapter, if the sole reason the land does not meet the requirements of this subchapter is that the owner failed to file the sworn statement required under section 574-B, subsection 1, the assessor shall provide the owner with written notice by regular mail of the deadline to file the sworn statement and permit the owner at least 60 days to respond to that notice. The owner of land subject to this subchapter may at any time request withdrawal of any parcel, or portion thereof, from taxation under this subchapter by certifying to the assessor that the land is no longer to be classified under this subchapter.

See title page for effective date.

**CHAPTER 426
S.P. 320 - L.D. 1003**

**An Act To Amend the Tax
Credit for Biofuel Production**

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

Sec. 1. 36 MRSA §5219-X, sub-§3, as enacted by PL 2003, c. 698, §1, is amended to read:

3. Limitations. A person entitled to a credit under this section for any taxable year may carry over and apply the portion of any unused credits to the tax liability on income derived from the production of biofuel for any one or more of the next succeeding 5 10 taxable years. The credit allowed, including carry-overs, may not reduce the tax otherwise due under this Part to less than zero.

See title page for effective date.

**CHAPTER 427
H.P. 711 - L.D. 936**

**An Act To Protect the Housing
Opportunities for Maine Fund**

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

Sec. 1. 36 MRSA §4641-B, sub-§4, as amended by PL 2005, c. 644, §4, is further amended to read:

4. Distribution of State's share of proceeds. The State Tax Assessor shall pay all net receipts received pursuant to this section to the Treasurer of State, and shall at the same time provide the Treasurer