

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

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

of State with documentation showing the amount of revenues derived from the tax imposed by section 4641-A, subsection 1 and the amount of revenues derived from the tax imposed by section 4641-A, subsection 2. The Treasurer of State shall credit 1/2 of the revenues derived from the tax imposed by section 4641-A, subsection 1 to the General Fund and shall monthly pay the remaining 1/2 of such revenues to the Maine State Housing Authority, which shall deposit the funds in the Housing Opportunities for Maine Fund created in Title 30-A, section 4853, ~~except that in fiscal year 2003-04, fiscal year 2004-05 and fiscal year 2005-06, \$7,500,000 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority and in fiscal year 2006-07, \$7,687,067 of the remaining 1/2 of those revenues must be transferred to the General Fund before any payments are made to the Maine State Housing Authority.~~ Neither the Governor nor the Legislature may divert the revenues payable to the Housing Opportunities for Maine Fund to any other fund or for any other use. Any proposal to enact or amend a law to allow distribution of less than 1/2 of the revenues derived from the tax imposed by section 4641-A, subsection 1 to the Housing Opportunities for Maine Fund must be submitted to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over affordable housing matters at least 30 days prior to any vote or public hearing on the proposal. The Treasurer of State shall credit to the General Fund all of the revenues derived from the tax imposed by section 4641-A, subsection 2.

See title page for effective date.

CHAPTER 428
H.P. 702 - L.D. 927

**An Act To Amend the Lodging
Place Licensing Requirements
to Support Small Businesses**

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

Sec. 1. 22 MRSA §2501, first ¶, as amended by PL 1977, c. 78, §148, is further amended to read:

Private homes ~~shall~~ are not be deemed or considered lodging places and subject to a license ~~where~~ when not more than ~~3~~ 5 rooms are let ~~;~~ ; such private homes must post in a visible location in each rented room a card with the following statement in text that is easily readable in no less than 18-point boldface type of uniform font "This lodging place is not regulated by the State of Maine Department of Health and Human Services, Maine Center for Disease Control and Prevention." The homes must provide guests upon check-

in with a notice containing the same information. A license ~~shall~~ is not be required from dormitories of charitable, educational or philanthropic institutions, fraternity and sorority houses affiliated with educational institutions, or from private homes used in emergencies for the accommodation of persons attending conventions, fairs or similar public gatherings, nor from temporary eating and lodging places for the same, nor from railroad dining or buffet cars, nor from construction camps, nor from boarding houses and camps conducted in connection with wood cutting and logging operations, nor from any boarding care facilities or children's homes ~~which~~ that are licensed under section 7801.

See title page for effective date.

CHAPTER 429
H.P. 712 - L.D. 937

**An Act To Exempt Qualifying
Snowmobile Trail Grooming
Equipment from State Sales
Tax**

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

Sec. 1. 12 MRSA §1893, sub-§3, ¶D is enacted to read:

D. By June 30th of each fiscal year, the State Controller shall transfer from the Snowmobile Trail Fund to the unappropriated surplus of the General Fund an amount equal to the tax exemption under Title 36, section 1760, subsection 90.

Sec. 2. 36 MRSA §1760, sub-§90 is enacted to read:

90. Qualified snowmobile trail grooming equipment. Sales to incorporated nonprofit snowmobile clubs of snowmobiles and snowmobile trail grooming equipment used directly and exclusively for the grooming of snowmobile trails.

Sec. 3. Effective date. This Act takes effect October 1, 2007.

Effective October 1, 2007.

CHAPTER 430
S.P. 99 - L.D. 317

**An Act To Increase the
Availability of Public
Education Services from Child
Development Services**