

# 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**

**CHAPTER 444**  
**H.P. 1154 - L.D. 1645**

**An Act To Clarify That  
Certain Separately Itemized  
Charges Are Subject to the  
Sales Tax on the Rental of  
Motor Vehicles**

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

**Sec. 1. 36 MRSA §1811, first ¶**, as amended by PL 2001, c. 439, Pt. TTTT, §2 and affected by §3, is further amended to read:

A tax is imposed on the value of all tangible personal property and taxable services sold at retail in this State. The rate of tax is 7% on the value of liquor sold in licensed establishments as defined in Title 28-A, section 2, subsection 15, in accordance with Title 28-A, chapter 43; 7% on the value of rental of living quarters in any hotel, rooming house or tourist or trailer camp; 10% on the value of rental for a period of less than one year of an automobile; 7% on the value of prepared food; and 5% on the value of all other tangible personal property and taxable services. Value is measured by the sale price, except as otherwise provided. The value of rental for a period of less than one year of an automobile is the total rental charged to the lessee and includes, but is not limited to, maintenance and service contracts, drop-off or pick-up fees, airport surcharges, mileage fees and any separately itemized charges on the rental agreement to recover the owner's estimated costs of the charges imposed by government authority for title fees, inspection fees, local excise tax and agent fees on all vehicles in its rental fleet registered in the State. All fees must be disclosed when an estimated quote is provided to the lessee.

See title page for effective date.

**CHAPTER 445**  
**H.P. 1285 - L.D. 1845**

**An Act To Strengthen the  
Laws Concerning Surface  
Water Ambient Toxic  
Monitoring**

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

**Sec. 1. 38 MRSA §420-B, sub-§1, ¶B**, as enacted by PL 1993, c. 720, §1, is amended to read:

B. Prepare a work program each year that defines the work to be conducted that year toward the objectives of the 5-year plan. This work pro-

gram must identify specific sites, the sampling media and the contaminants that will be tested.

(1) The commissioner shall consider the following factors when selecting monitoring sites for the annual work program:

- (a) The importance of the water body to fisheries, wildlife and humans;
- (b) Known or likely sources of contamination and their relative risk to human or ecological health;
- (c) The existence of pending waste discharge licenses affecting the water body;
- (d) The availability of reference sites that are relatively unaffected by human activity;
- (e) Anticipated improvement or degradation of the water body; and
- (f) The availability of current, valid data from other sources on the level of toxic contamination of the water body.

(2) The commissioner shall incorporate the following types of testing in the program:

- (a) Monitoring of toxic contaminant levels in biological tissue and water body sediments, and monitoring of the water column may be included;
- (b) Analysis of the resident biological community in the monitored water body; and
- (c) Monitoring of the health of individual organisms that may serve as indicators of toxic contamination.

(3) When selecting the specific toxic substances to be monitored in the annual program, the commissioner shall consider:

- (a) Toxic substances that have the potential to affect human or ecological health at expected concentrations;
- (b) Toxic substances from both natural and human sources;
- (c) Toxic substances that serve as tracers for human sources of pollution;
- (d) Toxic substances or measures of contamination that may be more cost-effective indicators of other toxic substances; and
- (e) Toxic substances for which there are analytical test methods approved by the United States Environmental Protection Agency or, where such methods have not been approved, for which the commis-