

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2008

velop a compensation fee program for the areas listed in subsection 7, paragraphs C, D and E in consultation with the Department of Inland Fisheries and Wildlife.

A. The program may include the following:

(1) Identification of wetland management priorities on a watershed or biophysical region basis;

(1-A) Identification of management priorities for the areas listed in subsection 7, paragraphs C, D and E;

(2) Identification of the types of ~~wetland~~ losses eligible for compensation under this subsection;

(3) Standards for compensation fee projects;

(4) Calculation of compensation fees based on the functions and values of the affected ~~wetlands areas~~ and the cost of compensation, taking into account the potential higher cost of compensation when a project is implemented at a later date; and

(5) Methods to evaluate the long-term effectiveness of compensation fee projects implemented under this subsection in meeting the ~~wetland~~ management priorities identified pursuant to ~~subparagraph~~ subparagraphs (1) and (1-A).

B. Any compensation fee may be paid into a ~~wetlands~~ compensation fund established by the department as provided in subparagraph (1) or to an organization authorized by the department as provided in subparagraph (2). A compensation project funded in whole or in part from compensation fees must be approved by the department.

(1) The department may establish a ~~wetlands~~ compensation ~~fund~~ fund for the purpose of receiving compensation fees, grants and other related income. ~~The wetlands A~~ compensation fund must be a fund dedicated to payment of costs and related expenses of ~~wetland~~ restoration, enhancement, preservation and creation projects. The department may make payments from the fund consistent with the purpose of the fund. Income received under this subsection must be deposited with the State Treasurer to the credit of the ~~wetlands~~ compensation fund and may be invested as provided by law. Interest on these investments must be credited to the ~~wetlands~~ compensation fund.

(2) The department may enter into an enforceable, written agreement with a public, quasi-public or municipal organization or a

private, nonprofit organization for the protection of ~~wetlands and other~~ natural areas. Such an organization must demonstrate the ability to receive compensation fees, administer a ~~wetlands~~ compensation fund and ensure that compensation projects are implemented consistent with local, regional or state ~~wetland~~ management priorities ~~for the watershed in which the project is located~~. If compensation fees are provided to an authorized organization, the organization shall maintain records of expenditures and provide an annual summary report as requested by the department. If the authorized agency is a state agency other than the department, the agency shall establish a fund meeting the requirements specified in subparagraph (1). If the organization does not perform in accordance with this subsection or with the requirements of the written agreement, the department may revoke the organization's authority to conduct activities in accordance with this subsection.

Rules adopted pursuant to this subsection are routine technical rules under Title 5, chapter 375, subchapter 2-A.

4. Relationship to other provisions. The purchase of credits from a mitigation bank or the payment of a compensation fee in no way relieves the applicant of the requirement to comply with any other provision of this article, including, but not limited to, the requirement to avoid or minimize effects on wetlands and water quality to the greatest extent practicable under section 480-X.

7. Areas. As used in this section, "area" includes:

A. Freshwater wetlands;

B. Coastal wetlands;

C. Significant vernal pool habitat;

D. High and moderate value waterfowl and wading bird habitat, including nesting and feeding areas; and

E. Shorebird nesting, feeding and staging areas.

See title page for effective date.

CHAPTER 528

H.P. 1380 - L.D. 1944

An Act Regarding the Application of Term Limits for the State Board of Education

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

Sec. 1. 20-A MRSA §401, sub-§4, as amended by PL 2005, c. 16, §1, is further amended to read:

4. Term. The term of office of each member is 5 years and the term begins when the member is sworn into office. A person may not serve more than any 2 5-year terms. A vacancy must be filled for the remainder of the unexpired term. If a person appointed to fill a vacancy serves more than 2 1/2 years of an unexpired term, that service counts as one term for purposes of the limitation on terms imposed in this subsection. The state board shall promulgate rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, which establishes the procedure and criteria by which the state board may recommend to the Governor the removal of a member from office prior to completion of the term of appointment for failure to perform the duties of office.

Sec. 2. Application. Notwithstanding Public Law 2005, chapter 16, section 2, the limitation on terms served by members of the State Board of Education contained in the Maine Revised Statutes, Title 20-A, section 401, subsection 4 as amended by this Act applies to terms served by a person who is a member of the State Board of Education on the effective date of this Act except that that person may finish that person's term.

See title page for effective date.

CHAPTER 529

S.P. 799 - L.D. 2005

An Act To Clarify the Sales Tax on Prepared Meals

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

Sec. 1. 36 MRSA §1760, sub-§6, ¶D, as amended by PL 1999, c. 502, §2, is further amended to read:

D. To residents of incorporated nonprofit church-affiliated congregate housing facilities for the elderly in which at least 75% of the units are available for leasing to eligible lower-income residents; ~~and~~

Sec. 2. 36 MRSA §1760, sub-§6, ¶E, as enacted by PL 1999, c. 502, §3, is amended to read:

E. Served by colleges to employees of the college when the meals are purchased with debit cards issued by the colleges; ~~and~~

Sec. 3. 36 MRSA §1760, sub-§6, ¶F is enacted to read:

F. Served by youth camps licensed by the Department of Health and Human Services and defined in rules adopted by the Department of Health and Human Services as a combination of program and facilities established for the primary purpose of providing an outdoor group living experience with social, recreational, spiritual and educational objectives for children and operated and used for 5 or more consecutive days during one or more seasons of the year, including day camps, residential camps and trip and travel camps.

See title page for effective date.

CHAPTER 530

S.P. 767 - L.D. 1973

An Act To Improve the Compliance and Accountability of the Child Development Services System

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

Sec. 1. 20-A MRSA §7209, sub-§1, ¶E, as enacted by PL 2005, c. 662, Pt. A, §30, is amended to read:

E. The department, in consultation with regional sites, shall develop an action plan with timelines to achieve compliance with federal or state law. The department may assume temporary ~~responsibilities~~ responsibility for operations at a regional site that fails to meet compliance requirements. The department shall report at least quarterly to the state interagency coordinating council described in 20 United States Code, Section 1441, to the state advisory panel described in 34 Code of Federal Regulations, Sections 300.167 to 300.169 and to other advisory bodies that may be appropriate about individual regional sites that are under an action plan and about individual regional sites for whose operations the department has taken temporary responsibility. These reports must describe any progress or slippage by individual regional sites in meeting compliance requirements. For an individual regional site under an action plan, the reports must describe how long the department expects the regional site to remain under an action plan. For an individual regional site for whose operation the department has taken temporary responsibility, the reports must describe when the department expects to return responsibility to the regional site.

See title page for effective date.