

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

CHAPTER 540

H.P. 1407 - L.D. 2023

An Act To Repeal the Cap on Rental Rates for State Submerged Lands

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

Sec. 1. 12 MRSA §1862, sub-§2, ¶E, as amended by PL 2005, c. 134, §3, is further amended to read:

E. Beginning January 1, 1997, the maximum rent to which any lease is subject may not exceed \$1,200 per year. The \$1,200 limit does not apply to a large-scale project. The director shall establish through rulemaking criteria for determining a project's designation as a large-scale project and criteria for establishing rents for large-scale projects. Rules adopted pursuant to this paragraph are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. This paragraph is repealed June 30, 2009.

Sec. 2. Director of the Bureau of Parks and Lands to convene a working group to assist in the development of a fair and equitable rent structure for leasing submerged lands. The Director of the Bureau of Parks and Lands within the Department of Conservation shall convene a working group to advise and assist the Department of Conservation, Bureau of Parks and Lands in developing a rent structure for leasing submerged land that is fair and equitable. The working group may recommend a phase-in period to ease the transition into the new rent structure.

Based on the draft rent schedule developed and circulated by the bureau in 2007 and early 2008, the director shall invite representatives of the following groups of lessees to participate in the working group:

1. Two whose leases exceed \$10,000 annually;
2. Two whose leases are between \$3,000 and \$9,999; and
3. Two whose leases are between \$1,200 and \$2,999.

In addition, the director shall also seek participation from members of the Submerged Lands Advisory Board, representatives of marine trade groups and at least 2 members from the general public. Assistance to the working group must be provided within existing resources of the bureau.

Sec. 3. Report to the Joint Standing Committee on Agriculture, Conservation and Forestry. No later than October 22, 2008, the Director of the Bureau of Parks and Lands within the De-

partment of Conservation shall provide the Joint Standing Committee on Agriculture, Conservation and Forestry with a copy of the rent schedule developed pursuant to section 2, including a summary of the working group's meetings, the rationale for various rent categories and a timeline for phasing in the new lease rates.

See title page for effective date.

CHAPTER 541

H.P. 670 - L.D. 885

An Act To Implement the Recommendations of the Commission To Study the Costs of Providing Certain Services in the Unorganized Territories

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

PART A

Sec. A-1. 30-A MRSA §7504 is enacted to read:

§7504. Service fees

1. Authority. The county commissioners of each county may impose a service fee on recipients of eligible services, as described in subsection 2, provided in the unorganized territory.

2. Eligible services. For the purposes of this section, eligible services include:

- A. Solid waste management;
- B. Structural fire protection;
- C. Ambulance and emergency medical services;
- D. Law enforcement;
- E. Animal control; and
- F. Other services provided to property owners or residents in a limited geographic area.

3. Conditions. A service fee imposed under this section must be:

- A. Based on the actual cost of providing the service;
- B. Imposed only on persons eligible for or actually receiving the service; and
- C. Imposed on all similarly situated persons eligible for or actually receiving the service.

4. Use of revenues. Revenues received under this section must be used to reduce the amount re-

quested to be raised through property taxes under Title 36, chapter 115.

PART B

Sec. B-1. 12 MRSA §685-D, as amended by PL 1999, c. 333, §18, is repealed.

Sec. B-2. 12 MRSA §685-E, as amended by PL 2005, c. 386, Pt. I, §2, is repealed.

Sec. B-3. 12 MRSA §685-F, sub-§1, ¶B, as enacted by PL 2005, c. 107, §2 and as affected by §4, is amended to read:

B. Require the commission to incur costs that exceed the funding provided in accordance with section ~~685-D~~ 685-G.

Sec. B-4. 12 MRSA §685-G is enacted to read:

§685-G. Funding

1. Unorganized territories. Beginning with fiscal year 2009-10, funding for services and activities of the commission for planning, permitting and ensuring compliance in the unorganized territories must be assessed and allocated to the unorganized territories through a fee equal to .013% of the most recent equalized state valuation established by the State Tax Assessor. This fee must be collected through the municipal cost component under Title 36, chapter 115.

2. Towns and plantations. Beginning with fiscal year 2009-10, a town or a plantation in the commission's jurisdiction that elects not to administer land use controls at the local level but receives commission services or a town or plantation with a portion of its land under the commission's jurisdiction and receiving commission services, including planning, permitting and ensuring compliance, must be assessed a fee equal to .015% of the most recent equalized state valuation established by the State Tax Assessor for that town or plantation or that portion of a town or plantation under the commission's jurisdiction. The State Tax Assessor shall issue a warrant to each such town or plantation no later than March 1st of each year. The warrant is payable on demand. Interest charges on unpaid fees begin on June 30th of each year and are compounded monthly at the interest rate for unpaid property tax as established by the State Tax Assessor for the unorganized territory. For any assessment that remains unpaid as of September 1st of the year in which it is due, state revenue sharing to that town or plantation must be reduced by an amount equal to any unpaid warrant amount plus any accrued interest, until the amount is paid. These fees must be deposited to the General Fund.

3. Report. By January 15, 2009 and annually thereafter, the commission shall report to the joint standing committees of the Legislature having jurisdiction over conservation matters and taxation matters

regarding commission funding and other financial matters. The report must cover the 5 previous fiscal years and must identify General Fund appropriations and other resources, amounts assessed and collected from the assessments required under this section and former section 685-E and amounts assessed and collected from other fees and penalties assessed under this chapter. The joint standing committees of the Legislature having jurisdiction over conservation matters and taxation matters shall jointly review the distribution of funding and other assessments among the General Fund, unorganized territories and towns and plantations under the commission's jurisdiction and may submit legislation considered necessary as a result of the commission's report to the First Regular Session of the 124th Legislature.

Sec. B-5. Report. By January 15, 2009, the Maine Land Use Regulation Commission shall report to the joint standing committees of the Legislature having jurisdiction over conservation matters and taxation matters making recommendations, including legislation if necessary, to enforce payment of the assessments required under the Maine Revised Statutes, Title 12, section 685-G, subsection 2. The joint standing committees of the Legislature having jurisdiction over conservation matters and taxation matters shall jointly review the recommendations and may submit legislation considered necessary as a result of the commission's report to the First Regular Session of the 124th Legislature.

Sec. B-6. Effective date. Those sections of this Part that repeal the Maine Revised Statutes, Title 12, sections 685-D and 685-E and amend section 685-F, subsection 1, paragraph B take effect June 30, 2009.

PART C

Sec. C-1. 20-A MRSA §3252, sub-§5, as repealed and replaced by PL 1985, c. 490, §3, is amended to read:

5. Transportation and board. The costs of transportation or board for students under this section may be paid in full or in part by the commissioner except that the commissioner may not provide or reimburse parents for providing transportation of students over roads that have not been accepted by the county as public roads or do not meet Department of Transportation standards. Beginning with fiscal year 2009-10, the commissioner may not reimburse parents for the transportation of a student.

Sec. C-2. 20-A MRSA §3253-A, sub-§4, as enacted by PL 1985, c. 490, §5, is amended to read:

4. Transportation or board. The costs of transportation or board for students under this section may be paid in full or in part by the commissioner except that the commissioner may not provide or reimburse parents for providing transportation of students over

roads that have not been accepted by the county as public roads or do not meet Department of Transportation standards. Beginning with fiscal year 2009-10, the commissioner may not reimburse parents for the transportation of a student.

Sec. C-3. Review and recommendation.

The Department of Education shall review whether the Unorganized Territory Education and Services Fund under Title 36, chapter 115 should be entitled to receive aid from the General Fund in the same manner as if the Unorganized Territory Tax District were a school administrative district under the essential programs and services program. The department shall submit a report by January 15, 2009 to the joint standing committee of the Legislature having jurisdiction over taxation matters indicating the results of its review, including the fiscal impacts of making that change in entitlement and any statutory changes that would be necessary to accomplish the change. The joint standing committee of the Legislature having jurisdiction over taxation matters may submit legislation considered necessary as a result of the report to the First Regular Session of the 124th Legislature.

PART D

Sec. D-1. 36 MRSA §1605, sub-§4 is enacted to read:

4. Fund accounting. The State Controller shall establish an Unorganized Territory Education and Services Fund that reflects all of the activity of that fund within the state accounting system chart of accounts in accordance with the standards of a governmental accounting standards board as they apply to financial statements of the fund.

PART E

Sec. E-1. 36 MRSA §1487, sub-§2, as amended by PL 1995, c. 29, §1, is further amended to read:

2. State Tax Assessor. In the unorganized territory, the State Tax Assessor shall appoint agents to collect the excise tax. Agents, including municipalities designated as agents, are allowed a fee of \$4 ~~6~~ for each tax receipt issued. Agents shall deposit the remainder on or before the 20th day of each month following receipt with the Treasurer of State. The Treasurer of State shall make quarterly payments to each county in an amount that is equal to the receipts for that period from each county. Those payments must be made at the same time as payments under section 1606. County receipts under this section must be deposited in the county's unorganized territory fund.

PART F

Sec. F-1. 30-A MRSA §7501, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104,

Pt. C, §§8 and 10, is repealed and the following enacted in its place:

2. Solid waste. Solid waste management;

Sec. F-2. 30-A MRSA §7502, sub-§1, as amended by PL 2003, c. 414, Pt. B, §47 and as affected by c. 614, §9, is further amended to read:

1. Fund established. There is established in each county one unorganized territory fund to which must be credited all receipts under Title 12, section 10203 and Title 36, sections ~~1489~~ 1487, 1505 and 1606 and all other receipts that are allocated for municipal services in the unorganized territory, and from which all disbursements for municipal services in the unorganized territory are made.

Sec. F-3. 36 MRSA §1602, sub-§4, ¶B, as amended by PL 1985, c. 458, §1, is further amended to read:

B. The State Tax Assessor shall establish a district-wide mill rate calculated to raise the cost of all other portions of the municipal cost component certified by the Legislature. ~~For fiscal years 1985-86, 1986-87, 1987-88, 1988-89 and 1989-90, in figuring the district wide mill rate, the State Tax Assessor shall subtract \$100,000 from the amount certified by the Legislature.~~

PART G

Sec. G-1. 30-A MRSA §7501, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Roads and bridges. Construction, repair and maintenance of roads and bridges, including snow removal, except that the county commissioners may not expend money for improvements, maintenance or snow removal on any privately owned road within the unorganized territory in which the county has not acquired any property interest. The county commissioners may enact an ordinance to establish road standards for the purpose of preserving, protecting and maintaining roads in which the county has acquired a property interest;

See title page for effective date, unless otherwise indicated.

CHAPTER 542

S.P. 837 - L.D. 2177

**An Act To Correct the Law
Regarding Portability of
Pension Benefits for Law
Enforcement Officers and
Firefighters**