

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

§3775. Restrictions on the purchase and sale of scrap metal

A seller may not sell and a scrap metal processor may not purchase the following scrap metal unless the seller provides to the scrap metal processor, in addition to the requirements of section 3772, subsection 3, a signed statement at the time of sale that the property subject to this transaction is not stolen property to the best of the seller's knowledge, and that the seller is the owner or is otherwise authorized to sell the scrap metal:

1. Marked with certain initials. Scrap metal marked with the initials of an electrical, telephone, cable or other public utility or a beer manufacturer;

2. Utility access covers. Utility access covers;

3. Street lights. Street light poles and fixtures;

4. Guard rails. Road and bridge guard rails;

5. Street signs. Highway or street signs;

6. Water meter covers. Water meter covers;

7. Beer kegs. Metal beer kegs or keg pieces including those made of stainless steel that are clearly marked as being the property of the beer manufacturer. Beer kegs or keg pieces may not be sold or purchased pursuant to this subchapter if the brewer's markings have been obliterated or made illegible;

8. Traffic signs. Traffic directional and control signs;

9. Traffic signals. Traffic light signals;

10. Marked; governmental entity. Any scrap metal marked with the name of a governmental entity;

11. Marked; utility or railroad. Property owned by a telephone, cable, electric, water or other utility or by a railroad and marked or otherwise identified as such;

12. Certain construction or utility materials. Unused and undamaged building construction or utility materials consisting of copper pipe, tubing or wiring or aluminum wire;

13. Historical markers. Historical markers;

14. Grave markers. Grave markers and vases; and

15. Catalytic converters. Catalytic converters.

This section does not apply to transactions in which a scrap metal processor purchases, transfers or otherwise conveys scrap metal to another scrap metal processor.

§3776. Sales by minors

1. Prohibition. A scrap metal processor may not purchase scrap metal from a minor unless:

A. The minor is accompanied by the minor's parent or guardian; and

B. The parent or guardian provides a written statement to the scrap metal processor that the transaction is taking place with the parent's or guardian's full knowledge and consent.

2. Retention of statement. A scrap metal processor shall preserve and keep on file and make available for inspection to any law enforcement office of the State or of any municipality or county the written statement required by subsection 1, paragraph B for not less than 3 years.

§3777. Penalties

1. Violation. A person who violates this subchapter commits a civil violation for which a fine of not less than \$50 and not more than \$1,500 may be adjudged.

2. False information. Notwithstanding Title 17-A, section 453, a person that knowingly makes any written false statements with respect to the requirements of this subchapter commits a civil violation for which a fine of not less than \$50 and not more than \$1,500 may be adjudged.

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

Effective April 3, 2008.

CHAPTER 550**H.P. 1490 - L.D. 2104**

**An Act To Provide for Fairness
and Accuracy in Utility Rate
Setting**

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

Sec. 1. 35-A MRSA §9103, sub-§1, as enacted by PL 1993, c. 638, §2, is amended to read:

1. Alternative regulation; period; starting point. ~~For the~~ The period of the alternative form of regulation, ~~which~~ may not be less than 5 years nor exceed 10 years without affirmative reauthorization by the commission, ~~ratepayers as a whole, and residential and small business ratepayers in particular, may not be required to pay more for local telephone services as a result of the implementation of an alternative form of regulation than they would under traditional rate base or rate of return regulation. Prior to the adoption of a new or replacement alternative form of regulation or renewal of any existing alternative form of regulation, when the alternative form of regulation includes a provision prohibiting the commission or the utility from~~

initiating a rate case for a set period of time, the commission shall, in order to ensure that rates at the starting point of the alternative form of regulation are just and reasonable, conduct a revenue requirement and earnings review pursuant to the standards of section 301. In conducting such a review under this subsection, the commission, at its discretion, may conduct the review in a manner designed to minimize the cost of the review.

Sec. 2. Application. In accordance with the Maine Revised Statutes, Title 1, section 302, this Act does not apply to any proceeding relating to an alternative form of regulation pending before the Public Utilities Commission on the effective date of this Act.

See title page for effective date.

CHAPTER 551

H.P. 1527 - L.D. 2147

An Act To Ensure That State Government Is a Model Employer of People with Disabilities

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

Sec. 1. 5 MRSA §23001, sub-§2, as enacted by PL 2005, c. 570, Pt. A, §1, is amended to read:

2. Plan. Develop by January 1, 2007 and update annually thereafter a plan to increase the opportunities for individuals with disabilities to be employed by that department, agency or instrumentality of the State. This plan must include a description of the extent to which the special needs of employees who are individuals with disabilities are being met. Beginning with the plans updated in 2009, each department, agency and instrumentality of the State shall submit the plans to the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services;

Sec. 2. 5 MRSA §23001, sub-§2-A is enacted to read:

2-A. Report to committees. Submit a biennial report beginning March 1, 2009, compiled by the Director of the Bureau of Human Resources within the Department of Administrative and Financial Services, on the plans developed pursuant to subsection 2 to the joint standing committees of the Legislature having jurisdiction over state and local government matters and over labor matters and to the Governor's office. The report must include any changes made to the plans, an assessment made by the director of the effectiveness of the plans and any recommendations for legislative action pertaining to the report. The joint standing committee of the Legislature having jurisdiction

over state and local government matters may submit legislation pertaining to the report to the first regular session of each Legislature;

See title page for effective date.

CHAPTER 552

H.P. 1609 - L.D. 2248

An Act To Delete Outdated References to Rule 42 of the Maine Rules of Criminal Procedure from the Maine Bail Code and the Provision Allowing for Appeals by Aggrieved Contemnors

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

Sec. 1. 15 MRSA §1004, as amended by PL 2005, c. 507, §4, is further amended to read:

§1004. Applicability and exclusions

This chapter applies to the setting of bail for a defendant in a criminal proceeding, including the setting of bail for an alleged contemnor in a plenary contempt proceeding involving a punitive sanction under ~~the Maine Rules of Criminal Procedure, Rule 42 or~~ the Maine Rules of Civil Procedure, Rule 66. It does not apply to the setting of bail in extradition proceedings under sections 201 to 229 ~~or~~, post-conviction review proceedings under sections 2121 to 2132, probation revocation proceedings under Title 17-A, sections 1205 to 1207, supervised release revocation proceedings under Title 17-A, section 1233 or administrative release revocation proceedings under Title 17-A, sections 1349 to 1349-F, except to the extent and under the conditions stated in those sections. This chapter applies to the setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under ~~the Maine Rules of Criminal Procedure, Rule 42 or~~ the Maine Rules of Civil Procedure, Rule 66 and to the setting of bail relative to a material witness only as specified in sections 1103 and 1104, respectively. This chapter does not apply to a person under 18 years of age who is arrested for a crime defined under Title 12 or Title 29-A that is not a juvenile crime as defined in section 3103.

Sec. 2. 15 MRSA §1103, as enacted by PL 1997, c. 317, Pt. A, §2, is amended to read:

§1103. Summary contempt proceeding involving a punitive sanction

The setting of bail for an alleged contemnor in a summary contempt proceeding involving a punitive sanction under ~~the Maine Rules of Criminal Procedure, Rule 42 or~~ the Maine Rules of Civil Procedure,