

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Department of Inland Fisheries and Wildlife and the department on:

1. Management practices that avoid impacts on wading birds and waterfowl during nesting season and that maintain or enhance the inland waterfowl and wading bird habitat; and

2. Reclamation strategies for each excavated portion of the inland waterfowl and wading bird habitat.

These practices and strategies must be compatible with excavation and quarry operations.

See title page for effective date.

CHAPTER 617

S.P. 763 - L.D. 1969

An Act To Raise the Meal Allowance for Members of the Board of Environmental Protection and the Maine Land Use Regulation Commission

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

Sec. 1. 5 MRSA §12004-D, sub-§1, as enacted by PL 1987, c. 786, §5, is amended to read:

1.

Maine Land Use Regulation Commission

Legislative Per Diem Plus Expenses. Notwithstanding any limitation on noontday meal expenses in section 12002, subsection 2, for each day in attendance at a commission meeting or hearing, each member is entitled to a meal allowance not to exceed the legislative meal allowance for each session day as provided for in Title 3, section 2.

12 MRSA §683

Sec. 2. 5 MRSA §12004-D, sub-§2, as amended by PL 1989, c. 503, Pt. A, §8 and c. 890, Pt. A, §§3 and 40, is further amended to read:

2.

Board of Environmental Protection

Legislative Per Diem Plus Expenses. Notwithstanding any limitation on noontday meal expenses in section 12002, subsection 2, for each day in attendance at a board meeting or hearing, each member is entitled to a meal allowance not to exceed the legislative meal allowance for each session day as provided for in Title 3, section 2.

38 MRSA §341-A

Sec. 3. Appropriations and allocations.

The following appropriations and allocations are made.

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Board of Environmental Protection Fund 0025

Initiative: Provides funds for increased meal allowance expenses.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	\$3,600
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$3,600

See title page for effective date.

CHAPTER 618

H.P. 1383 - L.D. 1947

An Act To Clarify the Waste Motor Oil Disposal Site Remediation Program

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

Sec. 1. 10 MRSA §963-A, sub-§47-B, ¶D, as enacted by PL 2007, c. 464, §2, is amended to read:

D. A payment or payments, including any settlement premium, that a responsible party is required

to make pursuant to a final de minimis or cash-out settlement among the United States, the State and one or more responsible parties or pursuant to a final de minimis or cash-out settlement among 2 or more responsible parties; and

Sec. 2. 10 MRSA §1020, sub-§1, ¶A-1 is enacted to read:

A-1. "Bulk motor vehicle oil" means all motor vehicle oil other than prepackaged motor vehicle oil.

Sec. 3. 10 MRSA §1020, sub-§1, ¶A-2 is enacted to read:

A-2. "Diesel engine bulk motor vehicle oil" means diesel engine bulk motor vehicle oil meeting the performance requirements of American Petroleum Institute CJ-4 standards and all preceding specifications under those standards, inclusive of all viscosity grades.

Sec. 4. 10 MRSA §1020, sub-§1, ¶B, as enacted by PL 2007, c. 464, §6, is repealed.

Sec. 5. 10 MRSA §1020, sub-§1, ¶C-1 is enacted to read:

C-1. "Gasoline engine bulk motor vehicle oil" means gasoline engine bulk motor vehicle oil meeting the performance requirements of American Petroleum Institute SM and International Lubricant Standardization and Approval Committee GF-4 standards and all preceding specifications under those standards, inclusive of all viscosity grades.

Sec. 6. 10 MRSA §1020, sub-§1, ¶E, as enacted by PL 2007, c. 464, §6, is repealed.

Sec. 7. 10 MRSA §1020, sub-§1, ¶F is enacted to read:

F. "Motor vehicle oil" means any lubricating oil classified for use in the crankcase of an internal combustion engine, including but not limited to natural, synthetic and re-refined motor oils, whether or not in retail containers.

Sec. 8. 10 MRSA §1020, sub-§1, ¶G is enacted to read:

G. "Motor vehicle oil dealer" means any person, firm or corporation engaged in the business of producing, packaging or otherwise preparing motor vehicle oil for market, or selling or distributing motor vehicle oil.

Sec. 9. 10 MRSA §1020, sub-§1, ¶H is enacted to read:

H. "Prepackaged motor vehicle oil" means motor vehicle oil sold in a container with a volume not in excess of 5 gallons.

Sec. 10. 10 MRSA §1020, sub-§6, as enacted by PL 2007, c. 464, §6, is amended to read:

6. Premium. In addition to any other tax or charge imposed under state or federal law, a premium is imposed on all motor vehicle oil changes sold in the State at retail in the amount of \$1 per oil change on a vehicle with a gross vehicle weight of under 10,000 pounds, \$2 on a vehicle with a gross vehicle weight of 10,000 pounds to 25,999 pounds and \$3 on a vehicle with a gross vehicle weight of 26,000 pounds or more. Any person that owns a fleet of vehicles and performs oil changes on those vehicles shall pay a premium of \$1 for each oil change performed on each vehicle in the fleet with a gross vehicle weight of under 10,000 pounds, \$2 for each vehicle with a gross vehicle weight of 10,000 pounds to 25,999 pounds and \$3 for each vehicle with a gross vehicle weight of 26,000 pounds or more. All premiums must be paid monthly to the State Tax Assessor. By the 20th day of each month, the State Tax Assessor shall notify the State Controller and the Treasurer of State of the amount of revenue attributable to the premium collected under this subsection in the previous month. When notified by the State Tax Assessor, the State Controller shall transfer that amount to the fund. This subsection is repealed August 1, 2008.

Sec. 11. 10 MRSA §1020, sub-§6-A is enacted to read:

6-A. Premium. In addition to any other tax or charge imposed under state or federal law, effective August 1, 2008 a premium is imposed on bulk motor vehicle oil sold or distributed in the State as provided in this subsection. A motor vehicle oil dealer that makes the first sale or distribution of bulk motor vehicle oil in the State shall pay the premium. Gasoline engine bulk motor vehicle oils are subject to a premium of \$1.10 per gallon. Diesel engine bulk motor vehicle oils are subject to a premium of 35¢ per gallon. All premiums must be paid to the State Tax Assessor and are subject to the administrative provisions of Title 36, Parts 1 and 3, as though they were a sales tax liability. By the 20th day of each month, the State Tax Assessor shall notify the State Controller and the Treasurer of State of the amount of revenue attributable to the premium collected under this subsection in the previous month. When notified by the State Tax Assessor, the State Controller shall transfer that amount to the fund.

Sec. 12. 10 MRSA §1020, sub-§7, as enacted by PL 2007, c. 464, §6, is amended to read:

7. Effective date. This section takes effect on October 1, 2007 and remains in effect until the later of June 30, 2018 and any date thereafter but no later than December 31, ~~2028~~ 2030 on which the authority notifies the State Tax Assessor that there are no outstanding revenue obligation securities that were issued pursuant to section 1020-A.

Sec. 13. 10 MRSA §1020, sub-§8 is enacted to read:

8. Successor standards. If either the Department of Environmental Protection or the Department of Agriculture, Food and Rural Resources learns of a successor standard to American Petroleum Institute SM or CJ-4 or International Lubricant Standardization and Approval Committee GF-4, that department shall notify the Finance Authority of Maine.

Sec. 14. Effective date. Those sections of this Act that repeal the Maine Revised Statutes, Title 10, section 1020, subsection 1, paragraphs B and E take effect August 1, 2008.

See title page for effective date, unless otherwise indicated.

CHAPTER 619

S.P. 862 - L.D. 2230

An Act To Amend the Laws Governing Reports Related to Natural Resources

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

Sec. 1. 5 MRSA §3331, sub-§4, as enacted by PL 1993, c. 721, Pt. C, §1 and affected by Pt. H, §1, is amended to read:

4. Quarterly meetings; biennial report. The council shall meet at least quarterly. In addition, the council shall prepare a work program for each year establishing priorities among its efforts. ~~By January 15th of each year~~ Every 2 years beginning in 2009 and no later than January 15th, the council shall prepare and submit to the Governor and to the joint standing committee of the Legislature having jurisdiction over natural resource matters ~~an annual a~~ report describing its activities during the previous 2 calendar ~~year~~ years and an outline of anticipated activities for the current calendar year. Member agencies shall provide staff support.

Sec. 2. 22 MRSA §679-B, sub-§5, as amended by PL 1995, c. 333, §2, is further amended to read:

5. Allocation from fund. Money in the Radioactive Waste Fund established by this section must be allocated from time to time by the Legislature ~~for the following purposes: to the Radioactive Waste Advisory Commission Fund as established in Title 38, section 1454 A to fund the activities of the Advisory Commission on Radioactive Waste as described in Title 38, section 1453 A for advisory and public information activities; and to the department for administrative and regulatory activities as described in this~~

section. These amounts become available in accordance with Title 5, chapters 141 to 155.

The department may receive and expend federal grants and payments for the purpose of carrying out its duties set out in section 679-A, subsection 2.

Sec. 3. 22 MRSA §679-B, sub-§7, as enacted by PL 1993, c. 664, §10, is repealed.

Sec. 4. 22 MRSA §680, sub-§4, as enacted by PL 1983, c. 345, §§13 and 14, is repealed.

Sec. 5. 38 MRSA §344-B, sub-§6, as enacted by PL 1991, c. 804, Pt. B, §4 and affected by §7, is repealed.

Sec. 6. 38 MRSA §470-G, as enacted by PL 2001, c. 619, §1 and amended by PL 2003, c. 689, Pt. B, §7, is repealed and the following enacted in its place:

§470-G. Reporting and use of collected data

The department shall report data collected pursuant to this article to the Water Resources Planning Committee established under Title 5, section 3331, subsection 8. The Water Resources Planning Committee shall use this data in the fulfillment of its duties under Title 5, section 3331, subsection 8. Reporting of the data must be summarized in a manner that does not allow for the identification of any individual user.

Sec. 7. 38 MRSA §585-D, 3rd ¶, as enacted by PL 2005, c. 245, §1, is amended to read:

The department shall ~~annually~~ periodically evaluate whether the State should continue to implement and enforce California low-emission vehicle standards relating to the control of emissions from new motor vehicles or new motor vehicle engines. The evaluation must include a review of the benefits and costs of enforcing the California standards and the benefits and costs of adopting the federal standards. ~~The department shall report on its evaluation to the joint standing committee of the Legislature having jurisdiction over natural resources matters by January 15, 2007 and by January 15th every year thereafter. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation related to the department's evaluation to the Legislature.~~

Sec. 8. 38 MRSA §1454-A, as amended by PL 1999, c. 556, §39 and PL 2003, c. 689, Pt. B, §§6 and 7, is repealed.

See title page for effective date.