

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

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	(\$3,520,000)
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	(\$3,520,000)

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

Effective April 16, 2008.

CHAPTER 638

H.P. 1632 - L.D. 2269

An Act To Strengthen Maine's Consumer Protections against "Slamming"

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

Sec. 1. 35-A MRSA §2102, sub-§1, ¶A is enacted to read:

A. The commission may not grant approval to a telephone utility under this subsection unless the telephone utility submits evidence satisfactory to the commission that the telephone utility has at least \$250,000 in fixed assets in this State or the telephone utility purchases and maintains a surety bond satisfactory to the commission in the amount of \$250,000 to ensure the telephone utility has the financial ability to meet its obligations under this Title. This paragraph does not apply to a telephone utility authorized to provide telephone service in this State on the effective date of this paragraph.

Sec. 2. 35-A MRSA §7106, sub-§1, ¶A, as amended by PL 2003, c. 530, §1, is further amended to read:

A. Notwithstanding Title 32, chapter 69, subchapter 5 or Title 32, section 14716, and except as otherwise provided by the commission by rule adopted pursuant to subsection 3, a local or intrastate interexchange carrier may not initiate the change of a customer's local or intrastate carrier unless the change is expressly authorized by the customer as verified by one of the following methods:

- (1) Written or electronically signed authorization from the customer;
- (2) Toll-free electronic authorization placed from the telephone number that is the subject of the change order; or

- (3) Oral authorization of the customer obtained by an independent 3rd party.

Sec. 3. 35-A MRSA §7106, sub-§6 is enacted to read:

6. Customer education. The Public Advocate shall periodically inform telephone customers in the State of the protections and rights provided by this section.

See title page for effective date.

CHAPTER 639

H.P. 1639 - L.D. 2274

An Act To Amend the Municipal Tree Growth Reimbursement Formula

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

Sec. 1. 36 MRSA §578, sub-§1, as amended by PL 2007, c. 438, §16, is further amended to read:

1. Organized areas. The municipal assessors or chief assessor of a primary assessing area shall adjust the State Tax Assessor's 100% valuation per acre for each forest type of their county by whatever ratio, or percentage of current just value, is applied to other property within the municipality to obtain the assessed values. Forest land in the organized areas, subject to taxation under this subchapter, must be taxed at the property tax rate applicable to other property in the municipality.

The State Tax Assessor shall determine annually the amount of acreage in each municipality that is classified and taxed in accordance with this subchapter. Each municipality is entitled to annual payments distributed in accordance with this section from money appropriated by the Legislature if it submits an annual return in accordance with section 383 and if it achieves the minimum assessment ratio established in section 327. The State Tax Assessor shall pay any municipal claim found to be in satisfactory form by August 1st of the year following the submission of the annual return. The ~~per-acre municipal~~ reimbursement appropriation is calculated on the basis of 90% of the per acre tax revenue lost as a result of this subchapter. For purposes of this section, the tax lost is the tax that would have been assessed, but for this subchapter, on the classified forest lands if they were assessed according to the undeveloped acreage valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped acreage, whichever is less, minus the tax that was actually assessed on the same lands in accordance with this subchapter, and adjusted for the aggregate municipal savings in required educational costs attributable to reduced state

valuation. A municipality that fails to achieve the minimum assessment ratio established in section 327 loses 10% of the reimbursement provided by this section for each one percentage point the minimum assessment ratio falls below the ratio established in section 327.

~~A municipality may not receive a reimbursement payment under this section that would exceed an amount determined by calculating the tree growth tax loss less the municipal savings in educational costs attributable to reduced state valuation.~~ The State Tax Assessor shall adopt rules necessary to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules for the purposes of Title 5, chapter 375, subchapter 2-A.

C. The State Tax Assessor shall distribute reimbursement under this section to each municipality in proportion to the product of the reduced tree growth valuation of the municipality multiplied by the property tax burden of the municipality. For purposes of this paragraph, unless the context otherwise indicates, the following terms have the following meanings.

(1) "Property tax burden" means the total real and personal property taxes assessed in the most recently completed municipal fiscal year, except the taxes assessed on captured value within a tax increment financing district, divided by the latest state valuation certified to the Secretary of State.

(2) "Undeveloped land" means rear acreage and unimproved nonwaterfront acreage that is not:

(a) Classified under the laws governing current use valuation set forth in chapter 105, subchapter 2-A, 10 or 10-A;

(b) A base lot; or

(c) Waste land.

(3) "Average value of undeveloped land" means the per acre undeveloped land valuations used in the state valuation then in effect, or according to the current local valuation on undeveloped land as determined for state valuation purposes, whichever is less.

(4) "Reduced tree growth valuation" means the difference between the average value of undeveloped land and the average value of tree growth land times the total number of acres classified as forest land under this subchapter.

See title page for effective date.

CHAPTER 640

S.P. 604 - L.D. 1697

An Act To Ensure Fair Wages

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

Sec. 1. 26 MRSA §603, sub-§3, ¶D, as enacted by PL 1999, c. 750, §1, is amended to read:

D. An individual exempt from the definition of employee in section 663, subsection 3, paragraph A, ~~B~~, C, F, G, I or J;

Sec. 2. 26 MRSA §663, sub-§3, ¶B, as amended by PL 2007, c. 22, §1, is repealed.

Sec. 3. 26 MRSA §663, sub-§3, ¶E, as repealed and replaced by PL 1979, c. 516, §1, is repealed.

Sec. 4. 26 MRSA §664, sub-§1, as amended by PL 2005, c. 578, §1, is further amended to read:

1. Minimum wage. The minimum hourly wage is \$6.50 per hour. Starting October 1, 2006, the minimum hourly wage is \$6.75 per hour. Starting October 1, 2007, the minimum hourly wage is \$7.00 per hour. Starting October 1, 2008, the minimum hourly wage is \$7.25 per hour. Starting October 1, 2009, the minimum hourly wage is \$7.50 per hour. If the highest federal minimum wage is increased in excess of the minimum wage in effect under this section, the minimum wage under this section is increased to the same amount, effective on the same date as the increase in the federal minimum wage, but in no case may the minimum wage exceed the minimum wage otherwise in effect under this section by more than \$1 per hour.

Sec. 5. 26 MRSA §664, sub-§3, ¶B, as enacted by PL 1995, c. 305, §1, is repealed.

Sec. 6. 26 MRSA §664, sub-§3, ¶E, as amended by PL 2001, c. 628, §1 and affected by §5, is repealed.

Sec. 7. Administration. The Department of Labor, Bureau of Labor Standards shall perform any increase in the number of inspections and investigations associated with the removal of several major exemptions from the minimum wage and overtime provisions under this Act within its existing resources.

Sec. 8. Administration. The Department of Labor, Bureau of Labor Standards shall perform any increase in the number of inspections and investigations associated with the removal of several major exemptions from the minimum wage and overtime provisions under this Act within its existing resources.

See title page for effective date.