

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2008**

military retirement plan as defined in paragraph M that exceed the amount of military retirement plan pension benefits deducted under paragraph M and that are received by a person who practices as a licensed dentist in this State for an average of at least 20 hours per week during the tax year and who accepts patients who receive benefits under the MaineCare program administered under Title 22, chapter 855.

**Sec. 4. Application.** This Act applies to tax years beginning on or after January 1, 2008.

**Sec. 5. Appropriations and allocations.** The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services - Bureau of 0002**

Initiative: Provides one-time funds for the computer programming costs associated with the military pension deduction for certain dentists.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$11,000
GENERAL FUND TOTAL	\$0	\$11,000

See title page for effective date.

**CHAPTER 690**

**H.P. 1562- L.D. 2192**

**An Act To Increase Access to Dental Care**

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

**Sec. 1. 36 MRSA §5219-BB** is enacted to read:

**§5219-BB. Dental care access credit**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Eligible dentist" means a person licensed as a dentist under Title 32, chapter 16, subchapter 3 who, after January 1, 2009:

- (1) First begins practicing dentistry in the State by joining an existing dental practice in an underserved area or establishing a new dental practice or purchasing an existing dental practice in an underserved area;

(2) Agrees to practice full time for at least 5 years in an underserved area; and

(3) Is certified under subsection 3 to be eligible by the oral health program.

B. "Oral health program" means the program established pursuant to Title 22, section 2127.

C. "Underserved area" means an area in the State that is a dental health professional shortage area as defined by the federal Department of Health and Human Services, Health Resources and Services Administration.

**2. Credit.** An eligible dentist is allowed a credit, not to exceed \$15,000, against the taxes due under this Part. The credit may be claimed in the first year that the eligible dentist meets the conditions of eligibility for at least 6 months and each of the 4 subsequent years. The credit is not refundable.

**3. Eligibility limitation; certification.** The oral health program shall certify up to 5 eligible dentists in 2009 and up to 5 additional eligible dentists in 2010. Additional dentists may not be certified after 2010. The oral health program shall monitor certified dentists to ensure that they continue to be eligible for the credit under this section and shall decertify any dentist who ceases to meet the conditions of eligibility. The oral health program shall notify the bureau whenever a dentist is certified or decertified. A decertified dentist ceases to be eligible for the credit under this section beginning with the tax year during which the dentist is decertified.

**4. Review.** By March 1, 2011, the oral health program shall submit to the joint standing committee of the Legislature having jurisdiction over taxation matters a report that analyzes the effectiveness of the credit provided by this section in attracting dentists to underserved areas and recommending whether the credit should be retained, repealed or amended. The committee may submit legislation to the First Regular Session of the 125th Legislature related to the report.

**5. Repeal.** This section is repealed December 31, 2015.

See title page for effective date.

**CHAPTER 691**

**S.P. 770 - L.D. 1976**

**An Act To Enhance Economic Development in Maine's Aviation Industry**

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

**Sec. 1. 36 MRSA §1760, sub-§45, ¶A-3**, as enacted by PL 2005, c. 519, Pt. EE, §1 and affected by §3, is amended to read:

A-3. If the property is an aircraft not exempted under subsection 88 and the owner at the time of purchase was a resident of another state or tax jurisdiction and the aircraft is present in this State not more than 20 days during the 12 months following its purchase, exclusive of days during which the aircraft is in this State for the purpose of undergoing "major alterations," "major repairs" or "preventive maintenance" as those terms are described in 14 Code of Federal Regulations, Appendix A to Part 43, as in effect on January 1, 2005. For the purposes of this paragraph, the location of an aircraft on the ground in the State at any time during a day is considered presence in the State for that entire day, and a day must be disregarded if at any time during that day the aircraft is used to provide free emergency or compassionate air transportation arranged by an incorporated nonprofit organization providing free air transportation in private aircraft by volunteer pilots so children and adults may access life-saving medical care; or

**Sec. 2. Application.** This Act applies to sales, leases or uses that occur on or after July 1, 2008.

See title page for effective date.

**CHAPTER 692**

**H.P. 1508 - L.D. 2129**

**An Act To Make Clam Flat Status Notification More Efficient, Cost-effective and Economically Beneficial to the Shellfish Industry**

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

**Sec. 1. 12 MRSA §6191, sub-§1**, as amended by PL 2003, c. 248, §4, is further amended to read:

**1. Procedures.** In adopting or amending any rule, except as provided in section 6194, the commissioner shall use the procedures required for rulemaking under the Maine Administrative Procedure Act, Title 5, chapter 375, and the additional requirements of this subchapter.

**Sec. 2. 12 MRSA §6194** is enacted to read:

**§6194. Shellfish area closure status notification**

Notwithstanding Title 5, section 8053, the notification of rulemaking relating to the status of a shellfish area is not required to be published in a newspaper. The department shall place any information con-

cerning the opening or closing of a shellfish area on the department's shellfish sanitation hotline and on the department's publicly accessible website. The commissioner may, in the case of an emergency as determined by the commissioner, advertise a change in the status of a shellfish area in the newspaper.

**Sec. 3. 12 MRSA §6651, sub-§1**, as amended by PL 2003, c. 20, Pt. WW, §12, is further amended to read:

**1. Fees to be paid into fund.** Sixty-five percent of all fees from shellfish licenses, mussel hand-raking and boat licenses, shellfish transportation licenses and wholesale seafood licenses must be paid into the Shellfish Fund. The Shellfish Fund may receive any other money, including any other gift, grant or other source of revenue.

**Sec. 4. Report.** The Department of Marine Resources shall monitor the impact, including but not limited to complaints, of the changes made to the notification requirements under this Act and report its findings to the joint standing committee of the Legislature having jurisdiction over marine resources matters no later than March 1, 2010.

**Sec. 5. Transfer.** Notwithstanding any other provision of law, on or before July 31, 2008, the State Controller shall transfer \$25,000 from the unappropriated surplus of the General Fund to the Shellfish Fund, Other Special Revenue Funds account within the Department of Marine Resources.

**Sec. 6. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027**

Initiative: Recognition of cost savings due to the department's not publishing the status of shellfish areas in a newspaper.

GENERAL FUND	2007-08	2008-09
All Other	\$0	(\$25,000)
<b>GENERAL FUND TOTAL</b>	<b>\$0</b>	<b>(\$25,000)</b>

**Sec. 7. Appropriations and allocations.** The following appropriations and allocations are made.

**MARINE RESOURCES, DEPARTMENT OF Bureau of Resource Management 0027**

Initiative: Provides an allocation for funding overtime for water quality staff and training for volunteers in the water quality program.