

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2007

Sec. 2. Authority to hold property; limit. ~~Said~~ The corporation may acquire and hold by gift, ~~barter~~, grant, devise or purchase, real estate, ~~such as it the corporation may deem~~ determine worthy of preservation for the enjoyment of the public directly or indirectly, with the right to sell, ~~barter~~ and convey any part of ~~said~~ the real estate, ~~if in the changing conditions it seems advisable to sell any part thereof~~ and hold by gift, ~~barter~~, grant, devise or purchase, such other property, both real and personal, as may be necessary or proper to support or promote the objects of the corporation.

Sec. 3. P&SL 1927, c. 109, §4, as amended by P&SL 1995, c. 66, §1, is further amended to read:

Sec. 4. Dividends prohibited; income, how expended. The corporation may not make a dividend or division of or from its property or income among its members, but the net income and proceeds from any part of its property must be expended for public benefits, not supported by taxation, ~~in the town where the land from which the income or proceeds are derived is located.~~ A member, trustee, director or officer of the corporation may not receive any portion of the net earnings or assets of the corporation, and a private individual may not receive any of these earnings or assets except as reasonable compensation for services rendered. In the event of dissolution, all of the remaining net assets of the corporation must be distributed to a governmental entity or to another corporation exempt from federal income taxation under the Internal Revenue Code, Section 501(c)(3).

See title page for effective date.

CHAPTER 15

S.P. 393 - L.D. 1205

An Act To Amend the Laws Preventing the Pollution of Portland's Water Supply

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

Sec. 1. P&SL 1913, c. 157, §1 is amended to read:

Sec. 1. Trespassing on certain lands near Sebago Lake forbidden; notices must be posted. All persons are forbidden trespassing on the lands purchased, taken or otherwise acquired by the Portland Water District for the purpose of protecting the purity of the waters of Sebago ~~lake~~ Lake. Notices that the lands are ~~so~~ taken and held, ~~shall~~ must be posted in conspicuous places on ~~said~~ the lands and along the shore of ~~said~~ the lake and abutting ~~thereon~~ land and any person trespassing on ~~said~~ the lands ~~shall~~ be is liable to a fine, payable to the ~~state~~ State, of ~~not~~

~~more than twenty dollars~~ \$500 for a first offense, \$1,000 for a second offense and \$2,500 for each subsequent offense.

Sec. 2. P&SL 1913, c. 157, §2, first ¶, as amended by P&SL 1991, c. 12, §5, is further amended to read:

Sec. 2. Bathing, etc., within two miles of intake, forbidden. A person may not ~~bathe in~~ have bodily contact with the waters of Sebago Lake within 2 miles of the intakes of the Portland Water District, nor may any person wash linen or other articles of personal apparel in the waters of the lake. ~~In addition to the foregoing provision, no~~ A person ~~shall~~ may not, within the following described restricted area near the intakes of the Portland Water District, carry on ice fishing, operate any boat or any motorized vehicle, including snowmobiles, or trespass. The Portland Water District is authorized to place buoys in the waters of Sebago Lake and markers on the ice to define this restricted area. Any ~~such~~ buoys placed in the waters of Sebago Lake ~~shall~~ must be plainly marked as required by the Director of the Bureau of Parks and Recreation under the Maine Revised Statutes, Title ~~38~~ 12, ~~Section 323~~ section 1894. To the extent that this statute prohibits the operation of a boat or vehicles or the carrying on of ice fishing in an area greater than prohibited by the general laws, the Act ~~shall apply~~ applies as provided in the Maine Revised Statutes, Title ~~22~~, ~~Section 2437~~ section 2648.

Sec. 3. P&SL 1913, c. 157, §2, 3rd ¶, as amended by P&SL 1971, c. 77, is further amended to read:

Any person violating the provisions of this section ~~shall be~~ is liable to a fine, payable to the State, of ~~not more than \$20~~ \$500 for a first offense, \$1,000 for a second offense and \$2,500 for each subsequent offense.

See title page for effective date.

CHAPTER 16

H.P. 622 - L.D. 825

An Act To Allow Special Olympics Maine To Conduct an Open Bass Fishing Tournament

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

Sec. 1. Open bass tournament. Notwithstanding the Maine Revised Statutes, Title 12, section 12505, the private nonprofit corporation Special Olympics Maine or a successor organization may conduct an open bass tournament on Cobsossee Lake on the first Sunday in May of each year. Special Olym-

pics Maine may designate a bass fishing club or other entities to sponsor or host the event.

Sec. 2. Donate proceeds. An amount equal to 100% of the gross proceeds received from the entry fee charged for the tournament conducted under section 1 must be either donated to Special Olympics Maine or awarded to participants as prizes.

See title page for effective date.

**CHAPTER 17
H.P. 965 - L.D. 1373**

An Act To Authorize the Board of Trustees of the Maine State Retirement System To Provide a Cost-of-living Adjustment to Retired Employees of Participating Local Districts

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, annual increases in cost-of-living benefits for retirees of participating local districts in the Maine State Retirement System are limited to 4%; and

Whereas, the Consumer Price Index for the designated months was 4.30%; and

Whereas, an increase must be approved now in order to be effective retroactively to September 2006, when the 4% increase in the annual retirement allowance took effect; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. Annual retirement allowance. Notwithstanding the Maine Revised Statutes, Title 5, section 18407, subsection 4, paragraph A, the annual adjustment in the retirement allowances paid to retirees or the beneficiaries of retirees from participating local districts that participate in the Maine State Retirement System consolidated plan for participating local districts under Title 5, chapter 427 is increased to 4.30%. The Board of Trustees of the Maine State Retirement System is authorized to administer this additional payment consistent with its rules and procedures. This additional one-time .30% increase must be added to retirement allowances for the purposes of any cost-of-

living adjustments payable to retirees of participating local districts in the consolidated plan who were eligible for a cost-of-living adjustment in September 2006.

Sec. 2. Applicability to participating local districts not part of the consolidated plan. Participating local districts that do not participate in the Maine State Retirement System consolidated plan for participating local districts under the Maine Revised Statutes, Title 5, chapter 427 may provide for the increase described in section 1 in retirement allowances being paid to retirees or beneficiaries of retirees eligible for the cost-of-living adjustment in September 2006 by supplying the Board of Trustees of the Maine State Retirement System with a certified copy of its action and a statement of agreement of payment of the costs associated with the additional benefits.

Sec. 3. Retroactivity. This Act applies retroactively to September 1, 2006.

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

Effective June 4, 2007.

**CHAPTER 18
S.P. 564 - L.D. 1620**

An Act To Provide for the 2007 and 2008 Allocations of the State Ceiling on Private Activity Bonds

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Maine Revised Statutes, Title 10, section 363 and Private and Special Law 2005, chapter 48 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 2007 but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to lack of available state ceiling, the rates and terms under which these bonds might be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preserva-