

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

Sec. 4. Sale in the event of nonperformance. Resolved: That, if the parcels identified in sections 2 and 3 of this resolve are not purchased as provided in those sections within the time frame provided, the State Tax Assessor may sell the parcels to the person with the next highest bid opened pursuant to the process authorized by Resolve 2007, chapter 65.

See title page for effective date.

CHAPTER 215

S.P. 914 - L.D. 2293

**Resolve, To Improve the
Absentee Voting System on
November 3, 2008**

Sec. 1. Municipal clerks authorized to prohibit in-person absentee voting on the day prior to election day. Resolved: That, notwithstanding the Maine Revised Statutes, Title 21-A, section 753-B, subsection 8, a municipal clerk may prohibit voting by absentee ballot in the presence of the municipal clerk on November 3, 2008, as long as the municipal clerk gives notice of the municipality's intent to do so using the notice of election under Title 21-A, section 621-A. At least 30 days before election day, the municipal clerk shall provide a copy of the notice of election to the Secretary of State and to the chairs of each political party of the municipality, indicating the municipality's intent to prohibit in-person absentee voting on November 3, 2008. The notice to the political parties is considered sufficient as long as it is mailed to the last known address of each municipal chair. The notice to the Secretary of State may be delivered by mail or by facsimile, but if the notice is not received by the Secretary of State by the 30th day before election day, the municipality must allow voting by absentee ballot in the presence of the municipal clerk on November 3, 2008. All other methods of absentee voting authorized by statute must continue to be available to voters on November 3, 2008; and be it further

Sec. 2. Municipal clerks shall notify of early processing of absentee ballots at least 30 days prior to election day. Resolved: That, notwithstanding the Maine Revised Statutes, Title 21-A, section 760-B, subsection 2, a municipal clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under Title 21-A, section 621-A, stating each specific time that the municipal clerk intends to begin processing absentee ballots and the inspection period provided in Title 21-A, section 760-B, subsection 3. At least 30 days before election day, the municipal clerk shall notify the Secretary of State and the chairs of each political party of the municipality, in writing, that this procedure is to occur. The notice to

the political parties must be considered sufficient as long as it is mailed to the last known address of each municipal chair. The notice to the Secretary of State may be delivered by mail or facsimile, but if the notice is not received by the Secretary of State by the 30th day before election day the municipality may not process absentee ballots prior to election day. A copy of the notice of election is considered notice in writing under this section.

See title page for effective date.

CHAPTER 216

H.P. 790 - L.D. 1072

**Resolve, To Conduct an
Updated Study of the
Feasibility of Establishing a
Single-payor Health Care
System in the State**

Sec. 1. Update to feasibility study. Resolved: That the Legislature shall contract with a qualified consultant to update the December 2002 document titled "Feasibility Study of a Single-payer Health Plan Model for the State of Maine" produced by Mathematica Policy Research, Inc. The Legislature shall seek outside grant funding to fully fund all costs of the updated study, which may not exceed \$60,000. If sufficient outside funding has not been received by the Legislature by August 1, 2008 to fully fund all costs of the updated study, no expenses of any kind related to the study may be incurred. The updated study must be submitted no later than December 3, 2008 to the First Regular Session of the 124th Legislature. The joint standing committee of the Legislature having jurisdiction over health insurance matters may submit legislation based on the updated feasibility study to the First Regular Session of the 124th Legislature; and be it further

Sec. 2. Appropriations and allocations. Resolved: That the following appropriations and allocations are made.

LEGISLATURE

Legislature 0081

Initiative: Appropriates funds to the Legislature to contract for professional services for grant writing and other technical assistance. The \$60,000 allocation is required to expend any outside grant received to fund updating the 2002 study.

GENERAL FUND	2007-08	2008-09
All Other	\$0	\$5,750
GENERAL FUND TOTAL	\$0	\$5,750

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
All Other	\$0	\$60,000
	\$0	\$60,000
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$60,000

See title page for effective date.

CHAPTER 217

H.P. 1410 - L.D. 2026

**Resolve, To Reimburse School
Administrative District No. 11
for the State Share of
Retirement Contributions Paid
in Error**

Sec. 1. Reimbursement to School Administrative District No. 11 for retirement contributions paid in error. Resolved: That, notwithstanding any other provision of law, the Governor must include in the biennial budget bill for the 2010-2011 biennial budget funding in the amount of \$90,788 for the reimbursement to School Administrative District No. 11 for the State's share of retirement contributions paid by the school district in error to be offset by a reduction in the fiscal year 2009-10 appropriation for teacher retirement.

See title page for effective date.

CHAPTER 218

H.P. 1588 - L.D. 2222

**Resolve, To Assist Maine's
Forest Products Industry**

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

Whereas, Maine is dependent on its natural resources-based economy; and

Whereas, the price of diesel fuel in Maine is at an all-time high and is devastating the Maine economy, especially with regard to the forestry and logging industry; and

Whereas, Governor John E. Baldacci has already issued a Declaration of Civil Emergency regarding the high price of diesel fuel and its impact on the State's forestry and logging industry; 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

Sec. 1. Accelerated BETR program tax reimbursement for forestry and logging industry. Resolved: That, notwithstanding the requirement of the Maine Revised Statutes, Title 36, section 6652, subsection 1 and section 6654 that a claim for reimbursement be filed on or after August 1st and on or before December 31st, a person or a successor in interest of a person that is engaged in the forestry and logging industry against whom taxes have been assessed pursuant to Title 36, Part 2, except for chapters 111 and 112, with respect to eligible property is entitled to reimbursement pursuant to Title 36, section 6652, whether the taxes were paid by the person that was assessed or by the successor, as long as the person or successor, respectively, is the owner of the property in question as of the date a claim for reimbursement is filed for claims filed on or after February 1, 2008 and on or before July 31, 2008 for tax paid during calendar year 2007 that may be filed pursuant to Title 36, section 6654. For purposes of this section, "eligible property" has the same meaning as in Title 36, section 6651, subsection 1; and "a person that is engaged in the forestry and logging industry" means that a person's business code, pursuant to the North American Industry Classification System, is 113110, 113210 or 113310.

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

Effective April 23, 2008.

CHAPTER 219

H.P. 756 - L.D. 1038

**Resolve, Directing the
Department of Professional
and Financial Regulation To
Study the Issue of Residential
Contractor Licensing**

Sec. 1. Study. Resolved: That the Department of Professional and Financial Regulation shall study the issue of residential contractor licensing. The department shall include in its study a review of the various building and energy codes in existence throughout the State. The department shall report its recommendations for residential contractor licensing to the joint standing committee of the Legislature having jurisdiction over business, research and economic