

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 3, 2008 to June 13, 2009**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 12, 2009**

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

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**Augusta, Maine**  
**2009**

**CHAPTER 3  
H.P. 32 - L.D. 37**

**An Act To Allow a Weight  
Tolerance for Vehicle  
Auxiliary Power Units**

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

**Sec. 1. 29-A MRSA §101, sub-§7-A** is en-  
acted to read:

**7-A. Auxiliary power unit.** "Auxiliary power  
unit" means an integrated system that:

A. Provides heat, air conditioning, engine warm-  
ing or electricity components on a heavy duty ve-  
hicle; and

B. Is certified by the Administrator of the United  
States Environmental Protection Agency under 40  
Code of Federal Regulations, Part 89 as meeting  
emissions standards.

**Sec. 2. 29-A MRSA §101, sub-§27-A** is en-  
acted to read:

**27-A. Heavy duty vehicle.** "Heavy duty vehicle"  
means a vehicle powered by a diesel engine that has a  
gross vehicle weight rating greater than 8,500 pounds.

**Sec. 3. 29-A MRSA §2360, sub-§18** is en-  
acted to read:

**18. Exception to fine schedule for vehicle aux-  
iliary power units.** For a heavy duty vehicle  
equipped with an auxiliary power unit, the gross ve-  
hicle weight or axle weight used to determine the fine  
for a violation under this section is the actual gross  
vehicle weight or axle weight reduced by 400 pounds.

See title page for effective date.

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**CHAPTER 4  
H.P. 108 - L.D. 124**

**An Act To Remove Game  
Sanctuary Status for Certain  
Lands in the Town of  
Orrington**

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

**Sec. 1. 12 MRSA §12706, sub-§1, ¶U,** as  
enacted by PL 2003, c. 414, Pt. A, §2 and affected by  
c. 614, §9, is repealed.

See title page for effective date.

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**CHAPTER 5  
S.P. 18 - L.D. 46**

**An Act To Allow Nonmember  
Directors To Serve on the  
Board of Cooperative  
Agricultural Associations**

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

**Sec. 1. 13 MRSA §1871, sub-§1** is amended  
to read:

**1. Membership; term.** The business of the asso-  
ciation ~~shall be~~ is managed by a board of not less than  
3 directors. The directors ~~shall~~ **must** be members of  
the association or officers, general managers, directors  
or members of a member association, except that the  
members of the association may elect, pursuant to the  
bylaws of the association, to allow the election of  
nonmember directors of the association by the board  
of directors, as long as the number of nonmember di-  
rectors does not exceed 25% of the total number of  
duly elected member directors. A director shall hold  
office for the term for which ~~he~~ the director was  
named or elected and until ~~his~~ the director's successor  
is elected and qualified.

See title page for effective date.

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**CHAPTER 6  
S.P. 49 - L.D. 130**

**An Act To Allow a  
Municipality Greater  
Flexibility To Disburse  
State Fees**

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

**Sec. 1. 30-A MRSA §5603, sub-§2, ¶A,** as  
amended by PL 1995, c. 549, §1, is further amended to  
read:

A. Except as provided in subparagraphs (1) ~~and~~  
(~~2~~) to (3), and except as otherwise provided by  
charter or ordinance, disburse money only on the  
authority of a warrant drawn for the purpose, af-  
firmatively voted and signed by a majority of the  
municipal officers.

(1) The municipal officers may adopt a writ-  
ten policy to permit the disbursement of em-  
ployees' wages and benefits when a dis-  
bursement warrant has been signed by one or  
more designated municipal officers. The pol-  
icy must be filed with the town clerk and the

municipal treasurer and renewed annually by vote of the municipal officers.

(2) The municipal officers may adopt a written policy to permit the disbursement of payments for municipal education costs when a disbursement warrant has been signed by the school superintendent and approved by a majority of the school board or by a finance committee appointed or duly elected by the school board. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers;

(3) The municipal officers may adopt a written policy to permit the disbursement of state fees when a disbursement warrant has been signed by one or more designated municipal officers. The policy must be filed with the town clerk and the municipal treasurer and renewed annually by vote of the municipal officers;

See title page for effective date.

**CHAPTER 7  
H.P. 54 - L.D. 61**

**An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2009**

**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 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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:**

**PART A**

**Sec. A-1. Allocations.** There are allocated from the various funds for the fiscal year ending June 30, 2009, to the departments listed, the following sums.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Buildings and Grounds Operations 0080**

Initiative: Adjusts funding for anticipated changes in heating fuel costs.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$121,230	\$0	\$0
HIGHWAY FUND TOTAL	\$121,230	\$0	\$0

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2008-09	2009-10	2010-11
HIGHWAY FUND	\$121,230	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$121,230	\$0	\$0

**PUBLIC SAFETY, DEPARTMENT OF**

**Highway Safety DPS 0457**

Initiative: Provides funding for blood alcohol tests for the implied consent program due to increased cost of the tests and rising number of tests conducted.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$23,000	\$0	\$0
HIGHWAY FUND TOTAL	\$23,000	\$0	\$0

**Motor Vehicle Inspection 0329**

Initiative: Provides funding for the increased cost of gasoline.

HIGHWAY FUND	2008-09	2009-10	2010-11
All Other	\$12,361	\$0	\$0
HIGHWAY FUND TOTAL	\$12,361	\$0	\$0